FEDERAL REGISTER

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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter A—Farm Housing Loans

[FHA Instruction 401.11]

PART 301—BASIC REGULATIONS

MISCELLANEOUS AMENDMENTS

In order to consolidate certain Farm Housing regulations, to provide for the discontinuance of all section 504 grant assistance and initial section 503 and 504 loan assistance, and to permit the making of loans under certain conditions for financing portable-type buildings, amendments are made as set forth below.

1. The title to Subchapter A, Chapter III, Title 6, Code of Federal Regulations, is revised to read as set forth above.

2. Subpart B, Part 301, Title 6, Code of Federal Regulations, is revoked.

NOTE: A description of the type of assistance available under section 502 of the Housing Act of 1949, formerly contained in Subpart B, is consolidated with Subpart A.

3. Subpart A, Part 301, Title 6, Code of Federal Regulations (14 F. R. 6544, 15 F. R. 8148, 9101, 16 F. R. 2821, 9295, 10305, 17 F. R. 2383) is revised to read as follows:

SUBPART A—GENERAL

Sec.
301.1 General.
301.2 Terms of loans.
301.3 Loan purposes.

AUTHORITY: §§ 301.1 to 301.3 issued under sec. 510 (g), 63 Stat. 438; 42 U. S. C. 1480 (g). Statutory provisions interpreted or applied are cited to text in parentheses.

§ 301.1 *General.* (a) Sections 301.1 through 301.3 outline the general conditions, terms and loan purposes of loans authorized in section 502 of the Housing Act of 1949, as amended. Until otherwise directed, no further initial loans will be made under sections 503, 504 (a) or 504 (b) and no grants will be made under section 504 (a) of the act.

(b) The word "farm" as used in this subchapter means a parcel or parcels of land operated as a single unit which is now in agricultural production and customarily produces or is capable of producing agricultural commodities for sale and for home use which have a gross annual value of not less than the equivalent of a gross annual value of $400 in 1944, as determined by the loan approval officer.

(c) In order to qualify for a Farm Housing loan, the applicant must be able to demonstrate that his income from the farm and other sources will be sufficient to meet reasonable farm operating expenses, normal capital replacements, and usual family living expenses; payments required on any existing loans; and payments required on the proposed Farm Housing loan.

(d) Farm Housing funds will not be used to pay any real estate lien, open account, or other debt that exists at the time the loan is closed except that the Administrator may, in his discretion, waive the restriction against payment of debts for material and labor incurred prior to the date the loan or grant is closed, provided:

(1) The applicant is unable to pay such debts from his own resources or other credit sources.

(2) Failure to pay such debts with Farm Housing funds will either impair the applicant's financial position to the extent that his continued ownership of the farm would be jeopardized, or cause physical hardship to the occupant of the dwelling to be constructed, improved, altered, or repaired or replaced, to the extent that his living conditions would not be decent, safe, and sanitary.

(3) The materials purchased or construction work done conforms to the development plan approved by the Farmers Home Administration.

(4) In the case of an initial loan, the debts for material and labor were incurred after the date the loan was approved.

(5) In the case of a subsequent loan, the debts for material and labor were incurred after the date the initial loan was closed.

(e) A first mortgage is not required for a Farm Housing loan. Such a loan may be made on the security of a mortgage on the farm subject to existing liens, if any: *Provided,* That when the value,

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A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

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after development, of the farm to be mortgaged minus the amount of any existing liens is less than the amount of the proposed Farm Housing loan, such a loan will be made only when additional security or collateral can be taken which, in the opinion of the loan approval officer, has sufficient security value to compensate adequately for the lack of security represented by the farm.

(f) No Farm Housing assistance will be extended unless it has been determined that (1) the applicant is the owner of the farm (2) he is without sufficient resources to provide the necessary housing and buildings on his own account, and (3) he is unable to secure the necessary credit for such housing and buildings from other sources upon terms and conditions which he could reasonably be expected to fulfill.

(g) Each Farm Housing borrower will be required, upon request of the Farmers Home Administration, to make every effort to refinance the balance of his Farm Housing loan through cooperative or other responsible credit sources. Such a request will be made whenever it appears to the Farmers Home Administration that he is able to do so upon reasonable terms and conditions.

(Secs. 501, 502, 63 Stat. 432, 433; 42 U. S. C. 1471, 1472)

§ 301.2 *Terms of loans*—(a) *Amortization period.* A section 502 Farm Housing loan will be made for 5, 10, 15, 20, 25, or 33 years, depending upon the probable debt-paying ability of the borrower, but not in excess of the useful life of the improvement.

(b) *Interest rate.* Interest on Farm Housing loans will be charged at the rate of 4 percent per annum on the unpaid balance of principal.

(c) *Security instruments.* The mortgage securing the debt will specify the terms and conditions under which the funds were advanced to the borrower. In addition to the repayment period and the interest rate, as indicated in paragraphs (a) and (b) of this section, the mortgage will provide, among other conditions, that:

(1) The borrower will repay the unpaid balance of the loan, with interest, in amortized installments.

(2) The borrower will keep the property insured against loss by fire or other insurable hazards as determined by the Government and will pay taxes, assessments, and other charges against the farm.

(3) The property will be maintained in good condition, and that waste and exhaustion of the farm will be prevented.

(4) The entire outstanding indebtedness on the loan may be declared immediately due and payable because of the violation of any terms of the security instrument.

(Sec. 502, 63 Stat. 433; 42 U. S. C. 1472)

§ 301.3 *Loan purposes.* Under the authority of section 502 of the Housing Act of 1949, as amended, the Farmers Home Administration may make loans to qualified applicants for the following purposes:

(a) Construct, improve, alter, repair, replace, or relocate a dwelling or dwellings on his farm. This includes the purchase and transfer of an existing dwelling to the borrower's farm. It also includes, in connection with such repair, alteration, new construction, or transfer, the purchase and installation of equipment for heating, cooking, lighting, and refrigeration that upon installation becomes part of the real estate security. Farm Housing funds will not be used to pay for such appliances as lamps, hot plates, toasters, or home freezers. Dwelling facilities authorized herein will be provided only when needed on the farm for the farm owner, manager, tenants, sharecroppers, or farm laborers and should not exceed those necessary to afford decent, safe, and sanitary housing consistent with the requirements of the locality.

(b) Construct, improve, alter, repair, replace, or relocate other farm buildings essential to the operation of the farm. This includes the purchase and transfer of an existing building to the borrower's farm. It also includes, in connection with such alteration, repair, new construction, or transfer, the purchase and installation of essential equipment that upon installation becomes part of the real estate security. Farm building facilities authorized in this subpart will be provided only to the extent necessary to afford adequate farm buildings not in excess of those customarily needed to operate successfully the type of farm owned by the applicant. Neither property line fencing nor field fencing will be financed with a section 502 loan.

(1) In some states certain portable-type buildings which are not readily moveable but are not affixed to and do not become a part of the real estate customarily pass with the farm when it changes ownership. In such states, Farm Housing funds may be included for portable-type buildings provided such buildings are necessary for the successful operation of the farm and the State Director determines that title to them customarily passes with title to the farm.

(2) When Farm Housing funds are used to finance such portable-type buildings, they will be covered by the provisions of the real estate security instrument if the state law permits. A chattel mortgage will be taken on such buildings only when they cannot be effectively mortgaged by provision in the real estate security instrument and the borrower's equity in the real estate is insufficient to secure the loan adequately.

(3) Buildings which are not considered real estate and do not commonly pass with the land when the farm changes ownership will not be financed with Farm Housing funds.

(c) Provide necessary water installations for dwelling and other farm buildings, including such facilities as wells, pumps, and farmstead distribution systems essential to the health and safety of the family or necessary to the successful operation of livestock enterprises. Stock ponds will not be financed with a section 502 loan.

(d) Pay fees and expenses incident to the making and closing of the loan which are required to be paid by the borrower and which he cannot pay from other funds.

(Secs. 501, 502, 63 Stat. 432, 433; 42 U. S. C. 1471, 1472)

[SEAL] DILLARD B. LASSETER,
Administrator
Farmers Home Administration.

MAY 6, 1953.

Approved: May 25, 1953.

TRUE D. MORSE,
Secretary of Agriculture.

[F. R. Doc. 53-4639; Filed, May 27, 1953; 8:48 a. m.]

Subchapter D—Water Facilities Loans

[FHA Instruction 442.6]

PART 356—PROCESSING LOANS TO ASSOCIATIONS

FIDELITY BONDS

Section 356.6 (a) (2) Title 6, Code of Federal Regulations (17 F R. 4) is revised to prescribe a change in determining the amount of fidelity bond to be furnished by an association, and to read as follows:

§ 356.6 *Closing the loan*—(a) *County Office action.* * * *

(2) *Obtaining fidelity bonds.* At the time the loan check is delivered, the association will make application for a fidelity bond covering the position entrusted with the receipt and disbursement of its funds. The amount of the bond will be equal at least to the maximum amount of money that the association will have on hand at any one time after the loan funds have been expended. If loan funds are not deposited in a supervised bank account, the amount of the bond will be increased by the amount of the loan. In such event the bond for the increased amount will cover the period during which the loan funds remain unexpended. The association will pay the premium for the bond. The association and the United States of America, as their interests may appear, will be named as obligees in the bond.

(Sec. 6 (3), 50 Stat. 870; 16 U. S. C. 590w (3). Interprets or applies sec. 2 (3), 50 Stat. 869; 16 U. S. C. 590s (3))

[SEAL] DILLARD B. LASSETER,
Administrator
Farmers Home Administration.

MAY 12, 1953.

Approved:

TRUE D. MORSE,
Secretary of Agriculture.

[F. R. Doc. 53-4682; Filed, May 27, 1953; 8:53 a. m.]

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1952 C. C. C. Grain Price Support Bulletin 1, Supp. 3, Corn]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1952-CROP CORN RESEAL LOAN PROGRAM

A reseal loan program has been announced for 1952-crop corn. The 1952 C. C. C. Grain Price Support Bulletin 1 (17 F R. 3521) issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1952, supplemented by Supplements 1 and 2, Corn (17 F. R. 6607, 9547, and 9955) containing the specific requirements for the 1952-crop corn price support program, is hereby further supplemented as follows:

Sec.
601.1621 Applicable sections of 1952 C. C. C. Grain Price Support Bulletin 1, and Supplements 1 and 2, Corn.
601.1622 Availability.
601.1623 Eligible producer.
601.1624 Eligible corn.
601.1625 Approved storage.
601.1626 Approved forms.
601.1627 Quantity eligible for resealing.
601.1628 Additional service charges.
601.1629 Transfer of producer's equity.
601.1630 Storage and track-loading payments.
601.1631 Maturity and satisfaction.
601.1632 Support rates.
601.1633 PMA commodity offices.

AUTHORITY: §§ 601.1621 to 601.1633 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1421, 1441.

§ 601.1621 *Applicable sections of 1952 C. C. C. Grain Price Support Bulletin 1, and Supplements 1 and 2, Corn.* The following sections of the 1952 C. C. C. Price Support Bulletin 1, and Supplements 1 and 2, Corn, published in 17 F R. 3521 and 17 F. R. 6607, 9547, and 9955, shall be applicable to the 1952 Corn Reseal Loan Program: § 601.1501 *Administration,* § 601.1505 *Approved lending agencies;* § 601.1508 *Liens;* § 601.1510 *Set-offs;* § 601.1511 *Interest rate;* § 601.1513 *Safeguarding the commodity;* § 601.1514 *Insurance on farm-storage loans;* § 601.1515 *Loss or damage to the commodity;* § 601.1516 *Personal liability of the producer for the commodity;* § 601.1517 *Release of the commodity under loan;* § 601.1519 *Removal of the commodity under loan;* § 601.1520 *Purchase of notes;* § 601.1605 *Determination of quantity;* § 601.1606 *Determination of quality.* Other sections of the 1952 Corn Price Support Program shall be applicable to the extent indicated in this subpart.

§ 601.1622 *Availability*—(a) *Area.* The reseal program will be available in all areas where farm-storage loans were available under the 1952 Corn Price Support Program, except those areas for which early availability and delivery dates were established by the State committee. Under this program, 1952-crop farm-storage loans will be extended and farm-storage loans will be made on 1952-crop corn covered by purchase agreements. Neither warehouse-storage loans nor purchase agreements will be available to producers under this program.

(b) *Time.* The producer who desires to participate in the reseal loan program must file an application for a farm-storage reseal loan with the county committee. In the case of a farm-storage loan, the producer will be required to apply for his reseal loan before the final date for delivery specified in the delivery instructions issued to him by the county committee. The producer who signed a purchase agreement on farm-stored corn is required, under the 1952 Corn Price Support Program to notify the county committee not later than July 31, 1953, if he intends to deliver the corn to CCC. If the producer has notified the county committee, on or before that date, of his intention to deliver the corn or to participate in this program, he may obtain a farm-storage loan on the corn. The loan documents must be executed by the producer on or before the final date for delivery specified in the delivery instructions, or on or before August 31, 1953, if the producer has not requested delivery instructions, unless the county committee approves execution of the loan documents at a later date. The loan documents must be presented for disbursement within 15 days after execution.

(c) *Source.* A producer desiring to participate in the reseal loan program should make application to the county committee which approved his loan or purchase agreement. Disbursements of loans completed on corn covered by purchase agreements shall be made to producers by PMA county offices by means of sight drafts drawn on CCC or by approved lending agencies under agreements with CCC.

§ 601.1623 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity who produced the corn in 1952 as landowner, landlord, tenant, or sharecropper and who either completed a farm-storage loan or signed a purchase agreement on farm-storage corn of the 1952 crop.

§ 601.1624 *Eligible corn.* To be eligible, the corn must have been produced in 1952, must be in farm storage, must never have been commingled with corn produced by others, and must be under loan or covered by a purchase agreement.

(a) *Extended farm-storage loans.* If a producer makes application to extend his farm-storage loan, the commodity loan inspector shall, with the producer, reinspect the corn and the farm-storage structure in which the corn is stored. If recommended by either the commodity loan inspector or the producer, a sample of the corn shall be taken and submitted for grade analysis.

(b) *Farm-storage corn covered by purchase agreement.* If a producer makes application for a farm-storage loan on corn covered by a purchase agreement, the commodity loan inspector shall inspect the corn and storage structure, obtain a sample if the corn and structure appear eligible, and proceed in the regular manner for the inspection of a commodity to be placed under loan. Corn covered by a purchase agreement and being placed under loan must, except for moisture content, be No. 3 or better, or No. 4 solely on the factor of test weight but otherwise grading No. 3 or better, as defined in the Official Grain Standards of the United States for corn. The moisture content of ear corn being placed under loan shall not exceed 15.5 percent. The moisture content of shelled corn being placed under loan shall not exceed 13.5 percent.

(c) Corn placed under loan must not grade "weevily."

§ 601.1625 *Approved storage.* Corn covered by any loans extended and any new loans completed must be stored in structures which meet the requirements for farm-storage loans as provided in § 601.1506 (a) of the 1952 CCC Grain Price Support Bulletin 1. Consent for storage for any loans extended or new loans completed must be obtained by the producer for the period ending September 30, 1954, if the structure is owned or controlled by someone other than the producer, or if the lease expires prior to September 30, 1954.

§ 601.1626 *Approved forms.* (a) The approved forms, which together with the provisions of this subpart govern the rights and responsibilities of the producer, shall be a producer's note, Commodity Loan Form A, secured by a chattel mortgage on Commodity Loan Form AA, an application form, and such other forms as may be prescribed by CCC. Notes and chattel mortgages must have State and documentary revenue stamps affixed thereto where required by law.

(b) Where required by State law, a new producer's note and chattel mortgage shall be completed when a farm-storage loan is extended.

§ 601.1627 *Quantity eligible for resealing.* (a) The quantity of corn eligible for reseal on an extended farm-storage loan will be the quantity shown on the original note and chattel mortgage, less any quantity delivered or redeemed.

(b) A producer may obtain a loan on not in excess of the quantity of corn specified in the purchase agreement, minus any quantity of the corn under such purchase agreement (1) which has

been previously converted to a loan or (2) on which he exercises his option to sell to CCC.

§ 601.1628 *Additional service charges.* (a) When a farm-storage loan is extended, the producer will not be required to pay an additional service charge.

(b) At the time a farm-storage loan is made to the producer on corn covered by a purchase agreement, the producer shall pay an additional service charge of ½ cent per bushel on the number of bushels placed under loan, or $1.50, whichever is greater. No refund of service charges will be made.

§ 601.1629 *Transfer of producer's equity.* The producer shall not transfer either his remaining interest in or his right to redeem the corn mortgaged as security for a loan under this program. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the corn must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the corn from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

§ 601.1630 *Storage and track-loading payments*—(a) *Storage payment.* A producer who participates in the reseal loan program and in accordance with instructions of the county committee, delivers the corn to CCC on or after July 31, 1954, or prior to July 31, 1954, pursuant to the demand by the President, CCC, for repayment of the loan, provided such demand for repayment is not due to any fraudulent representations on the part of the producer or the fact that the corn was damaged, abandoned, or otherwise impaired due to negligence on the part of the producer, will receive a storage payment, computed at the rate of 13 cents per bushel on the quantity delivered under the reseal loan program. If the corn is delivered to CCC prior to July 31, 1954, upon request of the producer and with the approval of CCC, or in the case of loss assumed by CCC under the loan program, the amount of the storage payment will be prorated, depending upon the length of time the corn was in store, provided delivery was not made as a result of a demand for repayment due to any fraudulent representation on the part of the producer or the fact that the corn was damaged, abandoned, or otherwise impaired due to negligence on the part of the producer. The prorated storage payment will be computed at the rate of 1/25 of a cent per bushel a day beginning on October 1, 1953, and ending on the date delivery is accomplished or ending on the final date for delivery as specified in the delivery instructions issued to the producer by the county committee, whichever is earlier, but not to exceed 13 cents per bushel, on the quantity delivered under the reseal program. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss.

(b) *Track-loading payment.* A track-loading payment of 2 cents per bushel will be made to the producer on corn delivered to CCC, in accordance with instructions of the county committee, on track at a country point.

§ 601.1631 *Maturity and satisfaction.* (a) Loans will mature on demand but not later than July 31, 1954. The producer must pay off his loan, plus interest, on or before maturity or deliver the mortgaged corn in accordance with the instructions of the county committee. Credit will be given at the applicable settlement value according to grade and/or quality for the total quantity delivered, provided it was stored in the structure(s) in which the corn under loan was stored. The provisions in § 601.1610 (a) of 1952 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Corn, will be applicable in determining the settlement value of corn delivered to CCC under a reseal loan.

(b) If the settlement value of the corn delivered exceeds the amount due on the loan, the amount of the excess shall be paid to the producer by a sight draft drawn on CCC by the PMA county office.

(c) If the settlement value of the corn delivered is less than the amount due on the loan, the amount of the deficiency plus interest thereon shall be paid by the producer to CCC or may be set off against any payment which would otherwise be paid to the producer under any agricultural programs administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States.

(d) In the event the farm is sold or there is a change of tenancy, the corn may be delivered before the maturity date of the loan upon prior approval by the county committee.

§ 601.1632 *Support rates.* (a) The support rate for an extended farm-storage loan shall remain the same as for the original loan. The support rate for corn covered by a purchase agreement placed under a farm-storage loan shall be the same as the support rate established for the corn in § 601.1611 of 1952 CCC Grain Price Support Bulletin 1, Supplement 2, Corn, and any amendments thereto.

(b) Any discounts or premiums established for variation in quality as shown in the 1952 Corn Price Support Program Bulletin shall apply.

§ 601.1633 *PMA commodity offices.* The PMA commodity offices and the areas served by them are shown below:

Chicago 5, Ill., 623 South Wabash Avenue: Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia.

Dallas 2, Tex., 1114 Commerce Street: New Mexico, Oklahoma, Texas.

Kansas City 6, Mo., Fidelity Building, 911 Walnut Street: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 8, Minn., 1006 West Lake Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

New Orleans 16, La., Wirth Building, 120 Marais Street: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.

Portland 5, Oreg., 515 Southwest Tenth Avenue: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

Issued this 25th day of May 1953.

[SEAL] M. B. BRASWELL,
Acting Executive Vice President,
Commodity Credit Corporation.

Approved:

JOHN H. DAVIS,
President,
Commodity Credit Corporation.

[F. R. Doc. 53-4930; Filed, May 27, 1953; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 857.5, Amdt. 2]

PART 857—PUERTO RICO

1952–53 CROP

Pursuant to section 302 of the Sugar Act of 1948, as amended, the Determination of Proportionate Shares for Farms in Puerto Rico for the 1952–53 Crop, issued July 17, 1952 (17 F. R. 6636), as amended December 31, 1952 (18 F. R. 100), is hereby amended by revising subparagraph (9) of § 857.5 (a) to read as follows:

(9) *Appeals.* The producer of sugarcane on any farm who is subjected to an undue hardship by reason of the proportionate share established for his farm pursuant to this determination may, before the close of the sugarcane grinding season in his locality, file an appeal with the Committee, c/o the Area Office. The Committee may adjust such proportionate share by an amount deemed to be equitable, after consideration of the interest of such producer as related to the interests of all other producers, and shall notify such producer of its decision in writing as soon as practicable. If the producer is dissatisfied with the decision of the Committee he may appeal in writing to the Director of the Sugar Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C., who may make such adjustment in the proportionate share as he deems necessary and his decision shall be final. The Director of the Sugar Branch is also authorized to decide appeals heretofore filed with respect to the 1952–53 crop.

STATEMENT OF BASES AND CONSIDERATIONS

This revision of the appeals provision of the original determination extends the time limit for filing appeals and delegates to the Director of the Sugar Branch the authority to render decisions on appeals from the action of the Caribbean Area PMA Committee. The original determination provided that such decisions were to be rendered by the Secretary.

The 15-day limit specified in the original determination for appealing to the Committee has tended to defeat the objectives of the appeals provision in a number of instances. The receipt of

proportionate share notices by producers has been delayed in a great many cases by the lack of adequate mailing addresses and, consequently, many producers have not had the intended time for filing appeals. Moreover, in certain instances producers became aware too late that their circumstances warranted the use of the appeals procedure. Consequently, this amendment permits a producer to file an appeal at any time before the close of the sugarcane grinding season in his locality.

A review of the cases which have been appealed to the Secretary reveals that they primarily involve technical points relating to sugarcane culture and sugar program operations rather than general administrative policies. Accordingly, this amendment delegates to the Director of the Sugar Branch the authority to act finally on appeals made to the Department.

Accordingly, I hereby find and conclude that the foregoing amendment to the determination will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. Sup., 1132)

Issued this 25th day of May 1953.

[SEAL] E. T. BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-4661; Filed, May 27, 1953; 8:48 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 921—MILK IN THE SPRINGFIELD, MISSOURI, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 921.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Springfield, Missouri, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order, amending the order, as amended, effective not later than June 1, 1953. Any delay beyond that date in the effective date of this order would result in disorder in the marketing of milk. An abnormal increase in the supply of milk for manufacture in the Springfield area and the depressed market for milk for manufacturing purposes are causing chaotic conditions in the marketing of surplus milk in the Springfield market under the present Class II pricing provisions of the order. In order to provide an outlet for the distressed milk and to stabilize the market, it is necessary to make this amendment effective as soon as possible.

The provisions of the said order are known to handlers, having been published in a decision which appeared in the FEDERAL REGISTER May 14, 1953 (18 F R. 2793) The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. It is hereby found, therefore, that good cause exists for making this order effective June 1, 1953. (Sec. 4 (c), Administrative Procedures Act, 5 U. S. C. 1001 et sec.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended, which is marketed within the Springfield, Missouri, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (February 1953), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Springfield, Missouri, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Delete § 921.51 (b) and substitute therefor the following:

(b) *Class II milk.* For the months of August through February, the price for Class II milk shall be the basic formula price. For all other months, the Class II price shall be an amount computed as follows:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the delivery period: *Provided,* That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu thereof;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process non-fat dry milk solids for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period, by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75 cents.

2. Delete in § 921.44 (d) the words "the form of" and substitute therefor the words "bulk form as"

3. Delete in § 921.87 the words "other source milk required to be reported" and substitute therefor the words "graded other source milk"

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 25th day of May 1953, to be effective on and after June 1, 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-4681; Filed, May 27, 1953; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 11]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.6015 *VOR civil airway No. 15 (Galveston, Tex., to Minot, N. Dak.)* is amended between Dallas, Tex., omnirange station and Tulsa, Okla., omnirange station to read: "Dallas, Tex., omnirange station, including an east alternate via the intersection of the Waco omnirange 036° True and the Dallas omnirange 178° True radials; intersection of the Dallas omnirange 345° True and the Ardmore omnirange 161° True radials; Ardmore, Okla., omnirange station, including a west alternate from the Dallas, Tex., omnirange station to the Ardmore, Okla., omnirange station via the intersection of the Dallas omnirange 324° True and the Ardmore omnirange 176° True radials; to the Tulsa, Okla., omnirange station, including an east alternate."

2. Section 600.6017 *VOR civil airway No. 17 (Laredo, Tex., to Goodland, Kans.)* is amended between San Antonio, Tex., omnirange station and Waco, Tex., omnirange station to read: "San Antonio, Tex., omnirange station; Austin, Tex., omnirange station, including an east alternate via the intersection of the San Antonio omnirange 061° True and the Austin omnirange 158° True radials and a west alternate via the intersection of the San Antonio omnirange 002° True and the Austin omnirange 237° True radials; Waco, Tex., omnirange station, including an east alternate;"

3. Section 600.6027 is amended by changing the caption to read: "*VOR civil airway No. 27 (Santa Barbara, Calif., to Seattle, Wash.)*" and by changing all after Crescent City, Calif., omnirange station to read: "Crescent City, Calif., omnirange station; North Bend, Ore., omnirange station to the Newport, Ore., omnirange station. From the Hoquiam, Wash., omnirange station to the Seattle, Wash., omnirange station, excluding the portion above 14,500 feet which lies beneath the Olympic Peninsula Danger Area (D-241)"

4. Section 600.6076 is amended to read:

§ 600.6076 *VOR civil airway No. 76 (Lubbock, Tex., to Houston, Tex.)*. From the Lubbock, Tex., omnirange station via the intersection of the Lubbock omnirange 180° True and the Big Spring omnirange 331° True radials; Big Spring, Tex., omnirange station; San Angelo, Tex., omnirange station, including a north alternate; Austin, Tex., omnirange station to the Houston, Tex., omnirange station.

5. Section 600.6114 *VOR civil airway No. 114 (Dalhart, Tex., to New Orleans, La.)* is amended before Gregg County, Tex., omnirange station to read: "From the Dalhart, Tex., omnirange station via the Amarillo, Tex., omnirange station; Childress, Tex., omnirange station; Wichita Falls, Tex., omnirange station; Dallas, Tex., omnirange station, including a north alternate via the intersection of the Wichita Falls omnirange 109° True and the Dallas omnirange 324° True radials; Gregg County, Tex., omnirange station;"

6. Section 600.6116 *VOR civil airway No. 116 (Austin, Tex., to Houston, Tex.)* is revoked.

7. Section 600.6121 is added to read:

§ 600.6121 *VOR civil airway No. 121 (North Bend, Oreg., to Eugene, Oreg.)*. From the North Bend, Oreg., omnirange station to the Eugene, Oreg., omnirange station.

8. Section 600.6122 is added to read:

§ 600.6122 *VOR civil airway No. 122 (Crescent City, Calif., to Medford, Oreg.)* From the Crescent City, Calif., omnirange station to the Medford, Oreg., omnirange station.

9. Section 600.6123 is added to read:

§ 600.6123 *VOR civil airway No. 123 (Newport, Oreg., to Newberg, Oreg.)*. From the Newport, Oreg., omnirange station via the intersection of the Newport omnirange 023° True and the Newberg omnirange 251° True radials to the Newberg, Oreg., omnirange station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t., May 26, 1953.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 53-4041; Filed, May 27, 1953; 8:45 a. m.]

[Amdt. 10]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.1134 is amended to read:

§ 601.1134 *Control area extension (Columbus, Ga.)* Within 5 miles either side of the 57° True radial of the Columbus omnirange extending from the omnirange station to a point 20 miles northeast, excluding the airspace overlapping danger areas, and the area within 5 miles either side of a line bearing 235° True through the Muscogee County Airport ILS outer compass locator extending from Red civil airway No. 84 on the northeast to Red civil airway No. 84 on the southwest.

2. Section 601.1256 *Control area extension (Pittsburgh, Pa.)* is amended by adding the following portion to present control area extension: "including the airspace northeast of Pittsburgh radio range station bounded on the northeast by Red civil airway No. 61, on the south by Green civil airway No. 4, and on the west by Blue civil airway No. 2."

3. Section 601.1334 is added to read:

§ 601.1334 *Control area extension (Del Rio, Tex.)*. That airspace over United States territory within a 25-mile radius of Laughlin AFB, Del Rio, Tex., excluding the portion which overlaps the Del Rio danger area (D-425) and the Laughlin AFB danger area (D-427).

4. Section 601.1933 *Three-mile radius zones* is amended by deleting the following airports:

Baton Rouge, La., East Baton Rouge Parish Airport.
Manchester, N. H., Grenier Air Force Base.

5. Section 601.1934 *Five-mile radius zones* is amended by deleting the following airport:

Baton Rouge, La., Harding Field.

6. Section 601.2327 is added to read:

§ 601.2327 *Baton Rouge, La., control zone.* Within a 5-mile radius of Harding Field extending to include the airspace within a 3-mile radius of the East Baton Rouge Parish Airport.

7. Section 601.2328 is added to read:

§ 601.2328 *Manchester, N. H., control zone.* Within a 3-mile radius of Grenier AFB and within 2 miles either side of a line bearing 157° True from the Grenier non-directional radio beacon (Located at 42°53'53" long. 71°24'43") extending from the non-directional radio beacon to a point 10 miles southeast.

8. Section 601.4015 *Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.)* is amended by deleting the following reporting point: "the intersection of the southwest course of the Memphis, Tenn., radio range and the southeast course of the Little Rock, Ark., radio range;"

9. Section 601.6027 is amended to read:

§ 601.6027 *VOR civil airway No. 27 control areas (Santa Barbara, Calif., to Seattle, Wash.)* All of VOR civil airway No. 27, including east and west alternates.

10. Section 601.6076 is amended to read:

§ 601.6076 *VOR civil airway No. 76 control areas (Lubbock, Tex., to Houston, Tex.).* All of VOR civil airway No. 76 including a north alternate.

11. Section 601.6114 is amended to read:

§ 601.6114 *VOR civil airway No. 114 control areas (Dalhart, Tex., to New Orleans, La.)* All of VOR civil airway No. 114 including a north alternate.

12. Section 601.6116 *VOR civil airway No. 116 control areas (Austin, Tex., to Houston, Tex.)* is revoked.

13. Section 601.6121 is added to read:

§ 601.6121 *VOR civil airway No. 121 control areas (North Bend., Oreg., to Eugene, Oreg.).* All of VOR civil airway No. 121.

14. Section 601.6122 is added to read:

§ 601.6122 *VOR civil airway No. 122 control areas (Crescent City, Calif., to Medford, Oreg.)* All of VOR civil airway No. 122.

15. Section 601.6123 is added to read:

§ 601.6123 *VOR civil airway No. 123 control areas (Newport, Oreg., to Newberg, Oreg.)* All of VOR civil airway No. 123.

16. Section 601.7001 *Domestic VOR reporting points* is amended by adding the following reporting points:

Burlington, Iowa, omnirange station.
Janesville, Wis., omnirange station.
Litchfield, Mich., omnirange station.
Lone Rock, Wis., omnirange station.
Louisville, Ky., omnirange station.
Newport, Oreg., omnirange station.
North Bend, Oreg., omnirange station.
Pontiac, Ill., omnirange station.
Scotland, Ind., omnirange station.
Vandalia, Ill., omnirange station.

and by changing the Fairville intersection to read:

Fairville intersection: the intersection of the Rochester, N. Y., omnirange 087° True and the Elmira, N. Y., omnirange 004° True radials.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., May 26, 1953.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 53-4642; Filed, May 27, 1953; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5356]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ORDER MODIFYING ORDER TO CEASE AND DESIST AND DISMISSING COMPLAINT AS TO RESPONDENT PRECISION ELECTROTYPE CO.

In the matter of International Association of Electrotypers and Stereotypers, Inc., et al., Docket No. 5356. The Commission, on October 23, 1952, made and issued its findings as to the facts and conclusion in this matter and entered an order to cease and desist against some 239 parties, including respondent Precision Electrotype Company, a corporation. On December 19, 1952, said Precision Electrotype Company filed in the United States Court of Appeals for the Ninth Circuit a Petition for Writ of Review of said order to cease and desist. Thereafter, counsel for respondent Precision Electrotype Company and counsel for the Commission entered into a stipulation which provided that if respondent Precision Electrotype Company would withdraw its said Petition for Review, the Commission would vacate the order of which review had been sought, as against respondent Precision Electrotype Company and would dismiss, as against said respondent the proceedings in which said order had been entered. On the basis of this stipulation the said United States Court of Appeals for the Ninth Circuit granted the motion of Precision Electrotype Company for leave to withdraw the Petition for Review filed on December 19, 1952.

Respondent Precision Electrotype Company having waived hearing (and notice thereof) preceding entry of an order dismissing this proceeding as to it, and the Commission having duly considered the matter and being now fully advised in the premises:

It is ordered, That the order to cease and desist (18 F. R. 410) heretofore entered in this proceeding be, and it hereby is, modified by striking therefrom Precision Electrotype Company a corporation, as a respondent against which said order was directed.

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to Precision Electrotype Company, a corporation.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46)

Issued: March 16, 1953.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 53-4677; Filed, May 27, 1953; 8:53 a. m.]

[Docket 6057]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MILLER & LIBOW, INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition, Wool Products Labeling Act;* § 3.1325 *Source or origin*—Maker or Seller—Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition*—Wool Products Labeling Act; § 3.1900 *Source or origin*—Wool Products Labeling Act. In connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, of ladies' coats or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool" as those terms are defined in said act, misbranding such products by, (1) falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein; (2) failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner: (a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter; (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939; (3) failing to separately set forth on the required stamp, tag, label or other means of identification the character and amount of the constituent fibers appearing in the interlinings of such wool products, as provided in Rule 24 of the rules and regulations promulgated under the said act; prohibited, subject to the provision, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939, and subject to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 732, sec. 6, 54 Stat. 1131; 15 U. S. C. 46, 68d. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U. S. C. 45, 68-68c) (Cease and desist order, Miller & Libow, Inc., et al., New York, N. Y., Docket 6057, March 12, 1953)

In the Matter of Miller & Libow, Inc., a Corporation, and Robert Libow and M. L. Miller Individually, and as Officers of Said Corporation

Pursuant to the provisions of the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, and by virtue of the authority vested in it by said acts, the Federal Trade Commission on November 3, 1952, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging them with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said acts and the rules and regulations promulgated under the Wool Products Labeling Act of 1939, in connection with the sale of women's wearing apparel. After the filing of respondents'

answer in this proceeding a hearing was held on December 18, 1952, before a hearing examiner of the Commission, theretofore duly designated by it, at which a stipulation was entered into by and between Milton J. Levy, Attorney for respondents, and George E. Steinmetz, attorney in support of the complaint, subject to the approval of the hearing examiner, whereby it was stipulated and agreed that a statement of facts agreed to on the record may be made a part of the record herein and may be taken as the facts in this proceeding and in lieu of evidence in support of the charges stated in the complaint or in opposition thereto; that the said hearing examiner may proceed upon said statement of facts to make his initial decision stating his findings as to the facts, including inferences which he may draw from the said stipulation of facts, and his conclusion based thereon, and enter his order disposing of the proceeding as to said respondents without the filing of proposed findings and conclusions or the presentation of oral argument. Thereafter on January 23, 1953, said hearing examiner filed his initial decision.

Within the time permitted by the Commission's rules of practice, counsel for respondents filed with the Commission an appeal from said initial decision, and thereafter this proceeding regularly came on for final consideration by the Commission upon the record herein, including said appeal and answer of counsel supporting the complaint not opposing said appeal; and the Commission, having issued its order granting said appeal and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts[1] and its conclusion[1] drawn therefrom and order, the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That the respondents, Miller and Libow, Inc., a corporation, and its officers, Robert Libow and M. L. Miller, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of ladies' coats or other "wool products," as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool," "reprocessed wool" or "reused wool," as those terms are defined in said act, do forthwith cease and desist from misbranding said products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

3. Failing to separately set forth on the required stamp, tag label or other means of identification the character and amount of the constituent fibers appearing in the interlinings of such wool products, as provided in Rule 24 of the rules and regulations promulgated under the said act:

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided further,* That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 12, 1953.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 53-4676; Filed, May 27, 1953; 8:53 a. m.]

[1] Filed as part of the original document.

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 6003; Regs. 111]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

INCOME FROM DISCHARGE OF INDEBTEDNESS

Correction

Federal Register Document 53-3016, appearing at page 1937 of the issue for Wednesday, April 8, 1953, and corrected in the issue of Saturday, April 25, 1953, page 2441, is further changed as follows:

In the eleventh line of subparagraph (7) of paragraph (e) of § 29.113 (b) (3)-1 the reference to "(1)" should read "(a)" and in the fourteenth line "section 23 (1)" should read "section 23 (l)"

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 526—INDUSTRIES OF A SEASONAL NATURE

On February 21, 1953, notice was published in the FEDERAL REGISTER (18 F. R. 1044) of a proposed revision of the regulations contained in this part. The revision is designed primarily to clarify certain procedural requirements and also to include in the regulations standards which have been applied in the past in making seasonal industry determinations. Interested persons were given an opportunity to submit data, views, and comments relative to the proposal.

After careful consideration of the comments received, I have concluded that no change should be made in the proposed revision. Accordingly, the regulations contained in this part are hereby revised to read as set forth below.

Sec.

AUTHORITY: §§ 526.1 to 526.11 issued under 52 Stat. 1060; 29 U. S. C. 201 et seq.

§ 526.1 *Statutory provisions.* The provisions of section 7 of the Fair Labor Standards Act of 1938, as amended, providing a seasonal industry exemption from the overtime pay requirements of the act are as follows:

Section 7 (a). Except as otherwise provided in this section, no employer shall employ any of his employees who is engaged in commerce or in the production of goods for commerce for a workweek longer than forty hours, unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed.

(b) No employer shall be deemed to have violated subsection (a) by employing any employee for a workweek in excess of that specified in such subsection without paying the compensation for overtime employment prescribed therein if such employee is so employed—

* * * * *

(3) For a period or periods of not more than fourteen workweeks in the aggregate in any calendar year in an industry found by the Administrator to be of a seasonal nature,

and if such employee receives compensation for employment in excess of twelve hours in any workday, or for employment in excess of fifty-six hours in any workweek, as the case may be, at a rate not less than one and one-half times the regular rate at which he is employed.

§ 526.2 *Meaning of "industry."* (a) The term "industry" as used in this part

means a trade, business, industry, or branch thereof, or group of industries in which individuals are gainfully employed.

(b) In determining whether the operations for which exemption is sought constitute an industry or a separable branch of an industry, the following factors, among others, may be considered: The extent to which the activity carried on and the products under consideration are distinguishable from other activities and products, the geographical locations of the operations, the comparability of techniques and physical facilities with those found in other situations, the extent of integration with other operations, the extent of segregation of employees performing the operations involved, established classifications in the industry, and any competitive factors involved.

§ 526.3 *Industry to which the exemption is applicable.* The exemption for an industry of a seasonal nature is applicable to:

(a) An industry which:

(1) Engages in the handling, extracting, or processing of materials during a season or seasons occurring in a regularly, annually recurring part or parts of the year not substantially greater than six months; and

(2) Ceases production, apart from work such as maintenance, repair, clerical, and sales work, in the remainder of the year because of the fact that, owing to climate or other natural conditions, the materials handled, extracted, or processed, in the form in which such materials are handled, extracted, or processed, are not available in the remainder of the year; or

(b) An industry which:

(1) Engages in the handling, preparing, packing or storing of agricultural commodities in their raw and natural state; and

(2) Receives for handling, preparing, packing or storing 50 percent or more of the annual volume in a period or periods amounting in the aggregate to not more than 14 workweeks.

§ 526.4 *Application for determination.* Any industry, or employer, or employer group therein, may make written application to the Administrator for a determination that the industry is of a seasonal nature. The application shall state the facts and reasons relied upon to show that the employer or employer group making application is a part or the whole of an industry which meets the conditions set forth in § 526.3. Preferential consideration will be given to applications filed by groups or organizations which are deemed to be representative of the interests of a whole industry or branch thereof.

§ 526.5 *Amendment and revocation of existing determinations.* (a) Any interested party may submit a written petition to the Administrator for amendment or revocation of any existing determination. The petition shall set forth the facts and reasons relied upon to support the amendment or revocation requested.

(b) The Administrator may at any time amend or revoke any existing determination on his own motion. To the extent applicable, the procedures set forth in §§ 526.6 to 526.10 shall be followed.

§ 526.6 *Procedure upon application for a determination or proposal for amendment or revocation of an existing determination.* (a) Upon consideration of the facts and reasons stated in an application, the Administrator may, without further proceedings, deny the application on the ground that it fails to allege facts entitling the industry to an exemption as a seasonal industry, or in the case of an application for amendment or revocation of an existing determination, that it fails to allege facts which sustain the action requested.

(b) Upon consideration and investigation of the facts and reasons stated in an application, the Administrator may either (1) set the application or other proposed action for hearing before the Administrator or his authorized representative; or (2) notify the applicant of, and publish in the FEDERAL REGISTER a preliminary determination that a prima facie case for the granting of an exemption or for amendment or revocation of an existing determination has been shown. In the event that the Administrator determines that a prima facie case for exemption, amendment, or revocation has been shown, the Administrator for a period of 15 days following the publication of his preliminary determination will receive objection and request for hearing from any person interested, including but not limited to employees, employee groups, and employee labor organizations, within the industry or industries affected. Upon receipt of objection and request for hearing, the Administrator will set the application for hearing before the Administrator or an authorized representative. If no objection and request for hearing is received within 15 days, the Administrator will make a finding upon the prima facie case. The exemption, amendment, or revocation shall become effective 30 days after publication of the finding in the FEDERAL REGISTER, or at such time prior thereto as may be provided therein upon good cause found and published therewith.

§ 526.7 *Procedure where application for determination is set for hearing.* (a) One combined hearing may be held on two or more applications presenting related issues of fact or law.

(b) A notice of the time, place, and scope of a hearing upon an application will be published in the FEDERAL REGISTER at least five days before the date of such hearing.

(c) All persons interested, including employees, employee groups, employee labor organizations, employers, employer groups, and trade associations, within the industry affected, and designated subordinates of the Administrator, will be afforded an opportunity to present evidence and to be heard.

(d) The Administrator may issue a subpoena for attendance at such hearings to any party upon request and upon a showing of general relevance and reasonable scope of the evidence sought. The Administrator may, on his own motion, or that of his authorized representative, cause to be brought before him or his authorized representative any witness whose testimony he deems material to the matters in issue.

(e) The Administrator or his authorized representative, as the case may be, shall make a finding and determination upon the record made at the hearing. Any determination made by the Administrator himself shall be final. If the finding and determination is by an authorized representative of the Administrator, the further procedure set forth in §§ 526.8 to 526.10 is applicable.

§ 526.8 *Petition for reconsideration.* Where the hearing is had before an authorized representative of the Administrator any person aggrieved by the finding of such representative may within 15 days after the action of such representative make application to the authorized representative for reconsideration of his finding if it can be shown that there is additional evidence which would materially affect the decision and that there were reasonable grounds for failure to adduce such evidence in the original proceeding. If the authorized representative grants an application for reconsideration, all interested parties will be afforded an opportunity to present their views either in support of or in opposition to the matters prayed for in the application for reconsideration. Upon publication of the reconsidered determination, or affirmation of the original determination, all interested persons may within 15 days thereafter file a petition for review, as provided in § 526.9. If an application for reconsideration is denied, any person aggrieved by the denial may within 15 days after publication file a petition for review as provided in § 526.9.

§ 526.9 *Petition for review.* (a) Where a hearing is had before an authorized representative of the Administrator, any person aggrieved by the finding of such representative may, within 15 days after the publication of such finding, and without following the procedure set forth in § 526.8, file a petition for review by the Administrator of the action of the representative upon the record of the hearing. The petition shall state the supporting reasons for the requested action.

(b) The Administrator may deny a petition for review upon examination of the petition. Notice of such denial shall be published in the FEDERAL REGISTER.

(c) If no petition for review is filed within 15 days, or if the Administrator denies a petition for review, the finding and determination of the authorized representative shall become final.

(d) Where a petition for review is granted, all interested parties will be afforded an opportunity to present arguments in support of or in opposition to the matters prayed for in the petition. Appropriate notice concerning presentation of arguments shall be published in the FEDERAL REGISTER. The Administrator shall make his final determination upon review of the record.

§ 526.10 *Notice of final determination.* (a) Where the final determination is that the industry is of a seasonal nature

within the meaning of § 526.3 or that amendment or revocation is warranted, the determination, amendment or revocation shall become effective 30 days after publication in the FEDERAL REGISTER, or at such time prior thereto as may be provided therein upon good cause found and published therewith. If the determination is that the industry is not of a seasonal nature, appropriate notice shall be published in the FEDERAL REGISTER.

§ 526.11 *Petition for amendment of regulations.* Any person wishing a revision of any of the terms of §§ 526.1–526.10 may submit in writing to the Administrator a petition setting forth the changes desired and the reason for proposing them. If, after consideration of the petition, the Administrator believes that reasonable cause for amendment of the regulations is set forth, he shall either schedule a hearing, with due notice to interested parties, or shall make other provision for affording interested parties an opportunity to present their views, both in support of and in opposition to the proposed changes.

The above revision shall become effective on June 29, 1953.

Signed at Washington, D. C., this 21st day of May 1953.

WM. R. MCCOMB,
Administrator
Wage and Hour Division.

[F. R. Doc. 53-4644; Filed, May 27, 1953; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XI—National Guard and State Guard, Department of the Army

PART 1101—NATIONAL GUARD REGULATIONS

WARRANT OFFICERS

Sections 1101.7 to 1101.13a are hereby rescinded and the following substituted therefor:

Sec.
1101.7 Eligibility.
1101.8 Appointment and Federal recognition.
1101.9 Examination.
1101.10 Bandmasters.
1101.11 Change of status.

AUTHORITY: §§ 1101.7 to 1101.11 issued under sec. 118, 39 Stat. 213; 32 U. S. C. 17.
SOURCE: NGR 22, April 10, 1953.

§ 1101.7 *Eligibility*—(a) *Eligible.* An applicant for appointment and Federal recognition in the grade of warrant officer in the National Guard must meet the following requirements:

(1) Must be recommended for appointment by his unit commander.

(2) Must be a citizen of the United States. If not native, must present evidence of acquired citizenship.

(3) Must meet the physical requirements prescribed in Army Regulations.

(4) If formerly a member of the Armed Forces, must have a document attesting to honorable discharge or certificate of separation under honorable conditions therefrom, covering all periods of prior service.

(5) Must have attained his 21st birthday and must not have attained his 40th birthday, on the date on which Federal recognition is initially extended by the Chief, National Guard Bureau, with the following exceptions: As provided in § 1101.11 (c) (3), officers and warrant officers of the Army Reserve who apply for Federal recognition in the National Guard may be not less than 18 years of age: *Provided,* That State laws so permit; in case of appointment to a position in a State Headquarters and Headquarters Detachment, the maximum age is extended to an applicant's 59th birthday. Warrant officers appointed under the latter exception may not be reassigned to position vacancies in other units.

(6) Must have demonstrated positive qualities of leadership, either in the military service or in a civilian capacity.

(7) Must be of high moral character.

(8) Must possess sufficient general and specialized education and technical knowledge to warrant a reasonable expectation that he can perform the contemplated duties.

(9) Must reside within such distance from the unit of assignment as will permit satisfactory performance of emergency and training duty.

(b) *Ineligible.* The following persons are ineligible for Federal recognition in the grade of warrant officer in the National Guard:

(1) Those who are presently conscientious objectors. If an individual has been a conscientious objector, he will be required to furnish an affidavit which will express his abandonment of such beliefs and principles so far as they pertain to his reluctance to bear arms and to give full and unqualified military service to the United States, or he must have demonstrated that he has changed his views through subsequent actual performance of military service.

(2) Those who have been sentenced to confinement in a penal institution or who have been convicted in any civil or military court for an offense, denounced as a felony or involving moral turpitude.

(3) Those who have been or are being separated from military or naval service for one of the following reasons:

(i) Under other than honorable conditions.

(ii) For unsatisfactory service.

(iii) By reason of resignation in lieu of court-martial, reclassification, or any form of corrective or disciplinary action.

(4) Those who are or have been members of any foreign or domestic organization, association, movement, group, or combination of persons advocating a subversive policy or seeking to alter the form of Government of the United States by unconstitutional means.

(5) Those who are in the military service of a foreign government, or those employed by a foreign government unless approval is obtained from the Department of the Army.

§ 1101.8 *Appointment and Federal recognition*—(a) *Appointment.* Based upon the qualifications reflected in the completed NGB Form 62, Standard Form 88, Standard Form 89, and upon recommedations of unit and intermediate commanders, the applicant may be appointed by State military authorities by published orders to fill an appropriate vacancy within the National Guard of that State unless such appointment is withheld pending examination by a Federal recognition board. Upon appointment or selection for appointment as a warrant officer in the National Guard of a State, Territory, Puerto Rico, or the District of Columbia, the individual concerned should be ordered before a Federal recognition examining board with the least practicable delay.

(b) *Federal recognition.* This is an administrative action by the Chief, National Guard Bureau, attesting to the fitness of the applicant to occupy the position to which he has been appointed, and confirming the findings of the Federal recognition board before whom the applicant was examined. Federal recognition is a condition upon which appointment, as a Reserve warrant officer of the Army and assignment to the National Guard of the United States is based.

(c) *Certificate of eligibility (NGB Form 89a)* NGB Form 89a (Certificate of Eligibility) is a written statement by the Chief, National Guard Bureau, that the individual named therein is eligible for Federal recognition as a warrant officer in the National Guard in a particular Military Occupational Specialty and is qualified for appointment as such. If appointment for which an applicant for warrant officer grade is certified as eligible is made within two years from the date shown on the Certificate of Eligibility, Federal recognition will be extended without further examination other than physical.

§ 1101.9 *Examination.* Each applicant who has been appointed to warrant officer status in the National Guard of a State under applicable State law, or who seeks such appointment, will be ordered to appear before a Federal recognition examining board in person, at such time and place as shall be designated.

(a) *Release from other reserve components.* If an applicant is a member of the Army Reserve or Air Force Reserve, a conditional release must first be obtained from the appropriate Reserve headquarters in the form of a certificate stating that the applicant will be released from his current status if tendered an appointment in the National Guard. If an applicant is a member of the U. S. Naval Reserve, U. S. Marine Corps Reserve, or the U. S. Coast Guard Reserve evidence of discharge from such reserve component must first be obtained.

(b) *Waiver of written examination*—(1) *General.* Effective until such time as the Department of the Army may provide the required technical tests, the Chief, National Guard Bureau, may waive the required written technical examination and grant Federal recognition to persons otherwise eligible for appointment as warrant officers in the National Guard. The Chief, National Guard Bureau, will require the completion of the written examination when such is provided unless the waiver has been pre-

viously retired as provided in subparagraph (2) of this paragraph.

(2) *Retirement of waivers.* Pending the availability of the Army technical examination for warrant officers, the Chief, National Guard Bureau, may retire a waiver granted under subparagraph (1) of this paragraph under the following conditions:

(i) *Warrant officers on active duty.* The Chief, National Guard Bureau, may retire the waiver of the technical written examination outstanding against any federally recognized warrant officer of the National Guard who is not on active duty when it has been determined that the warrant officer concerned has served in a federally recognized status satisfactorily for a period of at least 6 months and has attended one period of field training of 15 days' duration in his T/O position. The warrant officer's unit commander will initiate and forward a letter through command channels to the State adjutant general in each case where the above requirements are found to have been met, attesting to the facts, and requesting that the waiver be retired. Upon receipt of such letter, the Chief, National Guard Bureau, will grant the retirement of the waiver and cause a suitable entry to be made in the records of the National Guard Bureau. It is not deemed necessary to acknowledge receipt of letters requesting retirement of waivers, and in order to simplify administrative procedures, no acknowledging indorsements will be made by the Chief, National Guard Bureau.

(ii) *Warrant officers serving on active duty.* In case of a warrant officer who is serving on active duty, the State adjutant general should initiate a letter to the Chief, National Guard Bureau, in each appropriate case, recommending that the waiver be retired if the requirement of 6 months' satisfactory service and 15 days' field training set forth in subdivision (i) of this subparagraph is a matter of official record in the office of the State adjutant general. Action by the Chief, National Guard Bureau will be as indicated in subdivision (i) of this subparagraph. A warrant officer, serving on active duty, who did not attend field training before being ordered to active duty, may be deemed to have met the requirements defined herein, when records in the office of the State adjutant general indicate that he has completed 6 months' active military service in a satisfactory manner. Letters setting forth the facts are also required in such cases.

§ 1101.10 *Bandmasters.* Applicants for appointment as warrant officer bandmasters will be appointed, federally recognized, promoted and separated under the provisions of §§ 1101.7 to 1101.11, except as follows:

(a) In lieu of the technical written examination, the candidate will be required to demonstrate to the board a satisfactory degree of proficiency in the following fields:

(1) Conducting a military band.
(2) Dictation.
(3) Sight singing.
(4) Pitch discrimination.
(5) Instructor test (personal selection of one instrument, band or orchestra, including piano or organ)
(6) Questionnaire (general musical topics)
(7) Arranging (for military band from piano or organ scores)
(8) Harmony.

§ 1101.11 *Change of status*—(a) *Promotion.* Warrant officers may be promoted within the statutory grade and pay grade structure under the following provisions:

(1) Must be recommended by immediate commanding officer, with the subsequent concurrence of each echelon in the chain of command, such recommendation to include an evaluation of the abilities, potentialities, moral habits, and the professional knowledge gained through experience and study.

(2) Must not cause an excess in the number of incumbents for the pay grade to which promoted.

(3) Must have retired any waiver of the written technical examination as provided in § 1101.9 (b) (2) or when available, must have successfully passed the required written technical examination.

(4) Must have the following years of service as an officer and/or warrant officer in the active military service, in an active status in the National Guard, in an active status in the Army Reserve, or a combination of these:

(i) For promotion to chief warrant officer, W–2; 3 years.

(ii) For promotion to chief warrant officer, W–3; 9 years.

(iii) For promotion to chief warrant officer, W–4; 15 years.

(b) *Demotion.* When the State adjutant general finds it in the best interest of the National Guard to approve a federally recognized warrant officer's application for reduction in grade without prejudice, orders may be issued effecting such reduction. If no change in statutory grade is caused thereby the Chief, National Guard Bureau, upon receipt of the special orders, will issue NGB Form 3b indicating the new grade. If the change is from the grade of chief warrant officer to warrant officer junior grade, NGB Form 62 (Application for Federal Recognition) in triplicate, and NGB Form 337 (Oath of Office) will be forwarded with copies of Special orders issued in the case to the Chief, National Guard Bureau. Upon receipt of these documents in proper order, the Chief, National Guard Bureau, will issue NGB Form 3a. The candidate will not be required to appear before a Federal recognition examining board in either instance, provided there is no change in the Military Occupational Specialty designation of the position occupied by the individual so reduced. If there is a change in Military Occupational Specialty designation, the provisions of paragraph (c) (2) of this section will apply.

(c) *Transfer*—(1) *Involving no change in warrant officer.* Warrant officers may be transferred in grade between federally recognized National Guard units within the State by issuance of appropriate special orders, provided there is no change in the Military Occupational Specialty designation of the position to be occupied by the warrant officer. Two copies of such transfer orders will be furnished immediately to the Chief, National Guard Bureau.

(2) *Involving a change in warrant officer Military Occupational Specialty.* In case it is deemed to be of substantial benefit to the National Guard, transfers may be ordered which do involve a change in Military Occupational Specialty designation, but the written technical examination will be given in the new Military Occupational Specialty as soon as available, unless a waiver granted on account of unavailability of the technical examination is successfully retired as provided in § 1101.9 (b) When the warrant officer Military Occupational Specialty designation is thus changed by the State adjutant general, the action should be indorsed on the warrant issued to the warrant officer, published in special orders, and entered in the unit personnel strength reports. The warrant officer will not be required to appear before a Federal recognition examining board.

(3) *Change of residence to another State.* In case of permanent change of residence of a warrant officer to another State, he may, upon application, be appointed to a position vacancy in the National Guard of the new State and again seek Federal recognition as in case of original appointment, but without the restriction on age prescribed in § 1101.7 (a) (3) provided appointment to the new position follows discharge from the National Guard of the former State without a break in service.

(d) *Separation*—(1) *Discharge.* A warrant officer of the National Guard, federally recognized and subsequently appointed as a reserve warrant officer of the Army, may be discharged from the National Guard on State orders upon acceptance of resignation or under other applicable provisions of the applicable State military statutes. State separation orders will include the specific reason for separation. A copy of the State order effecting a warrant officer separation will be forwarded to the appropriate Army commander who will cause the subject officer to be transferred from the National Guard of the United States to the Army Reserve or to be discharged as a Reserve warrant officer of the Army. Upon official notification of State separation action, the Chief, National Guard Bureau, will issue NGB Form 3c (Termination of Federal recognition), effective the same date as the separation from the National Guard of the State.

(2) *Withdrawal of Federal recognition.* The Chief, National Guard Bureau, acting for the Secretary of the Army, may withdraw Federal recognition of a warrant officer of the National Guard for the following reasons:

(i) Death.
(ii) Attainment of age 60.
(iii) Failure to meet physical standards.
(iv) Absence without leave for 3 months.
(v) When dismissed pursuant to the approved sentence of a court-martial.

(vi) Conviction of an offense in a civil court falling within the definition of a felony that is, for any offense for which the court may have imposed a sentence of 1 year's imprisonment.

(vii) Upon acceptance of an appointment to commissioned status.

(viii) When he enlists or is appointed a commissioned or warrant officer in the Regular Army, the U. S. Air Force, the Navy, Marine Corps, or the Coast Guard, or a reserve component thereof.

(ix) When Federal recognition has been withdrawn from his unit unless he is transferred to an existing vacancy in another federally recognized unit or transferred to the Inactive National Guard.

(x) When it has been determined that the warrant officer is subversive or disloyal.

(xi) Failure to retire waiver of the written, technical examination within the period prescribed in the waiver.

(xii) Upon recommendation of an efficiency board.

(xiii) When he is a member of the headquarters of a battalion or larger unit and that unit becomes so depleted that it no longer conforms to the prescribed recognition requirements. In such a case, recognition will be withdrawn 6 months after the date on which the unit becomes incomplete, unless the condition is corrected prior to expiration of that period.

(xiv) When an inspection conducted under the provisions of section 93, National Defense Act, as amended, shows that the individual is lacking in the required qualifications. In such cases, the Department of the Army, acting through the Chief, National Guard Bureau, may summarily withdraw Federal recognition.

(xv) When a warrant officer is transferred from a position in which he is recognized to a position for which there is no provision for recognition.

(xvi) When The Adjutant General of the Army fails to appoint a warrant officer as a Reserve warrant officer of the Army within a reasonable time after Federal recognition has been extended, or when the warrant officer fails to accept such an appointment within a reasonable time after same has been tendered him, as evidenced by failure to execute and return the required oath of office.

(xvii) When the warrant officer's appointment as a Reserve warrant officer of the Army is vacated by order of the Secretary of the Army.

(xviii) When a warrant officer is placed on the Army of the United States Retired List under the provisions of Title III, Public Law 810, 80th Congress.

(xix) Temporary Federal recognition will be withdrawn by the Chief, National Guard Bureau, at the end of 6 months, if permanent Federal recognition is not sooner granted, or, if temporary Federal recognition is not sooner withdrawn due to final determination that the candidate fails to meet the requirements for permanent recognition.

(xx) Upon transfer in grade to the Army Reserve.

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 53-4663; Filed, May 27, 1953; 8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 140 to Schedule A]

[Rent Regulation 2, Amdt. 138 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

CALIFORNIA

Effective May 28, 1953, Rent Regulation 1 and Rent Regulation 2 are amended so that the items indicated below of Schedules A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 25th day of May 1953.

GLENWOOD J. SHERRARD,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
California				
(33) Merced County	B	In MERCED COUNTY, the city of Gustine	Mar. 1, 1942	Dec. 1, 1942
(33c) Riverbank-Newman	B	In STANISLAUS COUNTY, the city of Riverbank	do	Do.

These amendments decontrol the following on the initiative of the Director of the Office of Rent Stabilization under section 204 (c) of the act:

The City of Los Banos in Merced County, California, a portion of the Merced County Defense-Rental Area, and all unincorporated localities in the Defense-Rental Area; and

The City of Newman in Stanislaus County, California, a portion of the Riverbank-Newman Defense-Rental Area.

[F. R. Doc. 53-4664; Filed, May 27, 1953; 8:49 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 311—RULES AND REGULATIONS GOVERNING PUBLIC USE OF CERTAIN RESERVOIR AREAS

AREAS COVERED; HOUSEBOATS

The Secretary of the Army having determined that the use of the following three reservoir areas by the general public for boating, swimming, bathing, fishing, and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoir areas for their primary purpose, hereby prescribe rules and regulations for the public use of the Homme, Tenkiller Ferry and Lavon Reservoir Areas, and prohibits the placing of houseboats on the waters of the Homme, Tenkiller Ferry and Lavon Reservoir Areas, pursuant to the provisions of section 4 of the Flood Control Act of 1946 (60 Stat. 642) as follows:

New paragraphs (uu) (vv) and (ww) are added to § 311.1 and new subparagraphs (24) (25) and (26) are added to paragraph (a) of § 311.4, as follows:

§ 311.1 *Areas covered.* * * *

(uu) Homme Reservoir Area, Park River, North Dakota.

(vv) Tenkiller Ferry Reservoir Area, Illinois River, Oklahoma.

(ww) Lavon Reservoir Area, East Fork Trinity River, Texas.

§ 311.4 *Houseboats.* (a) A permit shall be obtained from the District Engineer for placing any houseboats on the water of any reservoir area listed in § 311.1, except for the following reservoir areas on which houseboats are prohibited:

* * * * *

(24) Homme Reservoir Area, Park River, North Dakota.

(25) Tenkiller Reservoir Area, Illinois River, Oklahoma.

(26) Lavon Reservoir Area, East Fork Trinity River, Texas.

* * * * *

[Regs., April 23, 1953—ENGWO] (60 Stat. 642; 16 U. S. C. 460d)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 53-4663; Filed, May 27, 1953; 8:50 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 201—GENERAL REGULATIONS

ORDER GRANTING EXCEPTIONS FROM OPERATION OF WALSH-HEALEY PUBLIC CONTRACTS ACT FOR CONTRACTS FOR CERTAIN CANNED FRUITS AND VEGETABLES

On March 11, 1953, notice was published in the FEDERAL REGISTER (18 F. R. 1404) that the Secretary of the Army had made a written finding that the conduct of Government business will be seriously impaired by the inclusion of the representations and stipulations of section 1 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U. S. C. 35-45) (hereinafter called the "act") in contracts awarded on or before December 31, 1953, for the canned fruits and vegetables hereinafter enumerated and had requested the Secretary of Labor to grant an exemption with respect to such contracts pursuant to the provisions of section 6 of the act.

The notice also stated that a public hearing would be held concerning the request for exemption before the Administrator of the Public Contracts Division or his authorized representative on March 25, 1953, to afford interested parties an opportunity to appear and submit data, views, and arguments either in support of or in opposition to the proposal.

In accordance with said notice a public hearing was held at the designated time and place before William B. Grogan, authorized representative of the Administrator of the Public Contracts Division, at which all persons desiring to be heard were given an opportunity to present data, views, and arguments. The representative of the Secretary of the Army requested amendment of the Secretary's finding to include canned beets which had inadvertently been omitted. Following said public hearing a transcript of the record thereof was transmitted to me by Mr. Grogan.

On April 17, 1953, a similar finding and request was transmitted by the Administrator of Veterans Affairs, involving a substantially similar list of canned items.

After reviewing the entire record, I find that justice and the public interest will be served by granting until December 31, 1953, an exception from the operation of the contract stipulations and representations of section 1 of the act for those weeks during which canning operations are performed under the exemptions provided by sections 7 (b) (3) and 7 (c) of the Fair Labor Standards Act. This exception will enable the Department of the Army and the Veterans' Administration and the canning companies to overcome the procurement and production difficulties as established by the record.

Accordingly, pursuant to the authority vested in me by section 6 of the act I do hereby grant an exception from the operation of all representations and stipulations of section 1 of the act contained in any contract for the procurement of the following canned fruits and vegetables for the Armed Forces of the United States and the Veterans' Administration awarded between the date hereof until and including December 31, 1953: *Provided*, That,

(1) The exception from the contract stipulations and representations of section 1 of the act shall not be available in weeks in which the canning of fruits and vegetables required under the contract is not exempt under sections 7 (b) (3) or 7 (c) of the Fair Labor Standards Act, as amended; and

(2) The exception from the child labor stipulations required by sections 1 (d) and 2 of the act shall not be available with respect to children under sixteen years of age knowingly employed in the performance of any such contract:

Apples, canned.
Applesauce, canned.
Apricots, canned.
Asparagus, canned.
Beans, lima, canned.
Beans, string, canned.
Beets, canned.
Berries, canned.
Carrots, canned.
Catsup, tomato.
Cherries, sour, canned.
Cherries, sweet, canned.
Corn, cream style, canned.
Corn, whole grain, canned.
Figs, canned.
Fruit cocktail, canned.
Grapefruit, canned.
Juice, citrus.
Juice, grape.
Juice, pineapple.
Peas, green, canned.
Peaches, canned.
Pears, canned.
Pineapple, canned.
Plums (prunes), canned.
Potatoes, sweet, canned.
Pumpkin, canned.
Puree, tomato.
Sauce, cranberry.
Spinach, canned.
Tomatoes, canned.
Tomato Juice, canned.
Tomato Paste, canned.

(Sec. 4, 49 Stat. 2038; 41 U. S. C. 38)

Signed at Washington, D. C., this 26th day of May 1953.

MARTIN P DURKIN,
Secretary of Labor

[F. R. Doc. 53-4737; Filed, May 27, 1953; 10:06 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

PART 115—REVESTED OREGON AND CALIFORNIA RAILROAD RECONVEYED COOS BAY WAGON ROAD GRANT LANDS IN OREGON

SALE OF TIMBER ON O. & C. LANDS; PUBLICATION AND POSTING; CORRECTION

MAY 22, 1953.

The document containing § 115.42, published in the FEDERAL REGISTER of May 14, 1953 (18 F R. 2791) should be headed Circular No. 1846 instead of Circular No. 1843.

WILLIAM PINCUS,
Assistant Director

[F. R. Doc. 53-4638; Filed, May 27, 1953; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

TEMPORARY PROCESSING PROCEDURE FOR TELEVISION BROADCAST APPLICATIONS

1. The Commission desires to amend Footnote 10 of § 1.371 of its rules by the addition of a subparagraph (m) which reads as follows:

(m) Where an application upon which processing has been temporarily suspended because of mutually exclusive applications becomes unopposed, or where an amended application or a new application is filed in place of the several competing applications and the applicant formed by such a merger is composed of substantially the same parties as the parties to the original application or applications, the remaining application may be available for consideration on its merits by the Commission at a succeeding regular meeting as promptly as processing and review by the Commission can be completed.

2. In accordance with its temporary processing procedure, as amended, pursuant to the Sixth Report and Order, mutually exclusive applications (i. e. those which compete for the same channel in the same community or require competitive hearing for other reasons) have been passed over. This has enabled the Commission to process noncompetitive applications so that TV service could be made available in the shortest possible period of time, and the Commission is virtually current in the processing of noncompetitive TV broadcast applications. The provision here made is of a clarifying nature and is a further step designed to bring television service to the public as promptly as possible consistent with basic requirement of public interest.

3. Authority for the adoption of this amendment is contained in sections 1, 4 (i) 4 (j) and 303 (r) of the Communications Act of 1934, as amended.

4. In view of the fact that the amendment adopted herein is procedural in nature, constituting a clarifying amendment, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendment may become effective immediately.

It is ordered, This 22d day of May 1953, that, effective upon publication in the FEDERAL REGISTER, footnote 10 of § 1.371 of the Commission's rules and regulations is amended as set forth herein.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: May 25, 1953.

FEDERAL COMMUNICATIONS COMMISSION[1]

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-4719; Filed, May 27, 1953; 8:54 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 20—PIPE LINE COMPANIES: UNIFORM SYSTEM OF ACCOUNTS

ITEMS TO BE CHARGED

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 19th day of May A. D. 1953.

[1] Commissioner Hennock dissenting and issuing a dissenting opinion (filed as part of the original document); Commissioner Bartley concurring in the Commission action and stating: "I do not believe, however, the adoption of a rule is necessary. There has been no rule preventing prompt consideration of non-conflicting applications heretofore. I do not oppose public notice of this fact."

The matter of modifying the "Uniform System of Accounts for Pipe Line Companies," being under consideration pursuant to the provisions of section 20 of the Interstate Commerce Act, as amended (34 Stat. 593, 54 Stat. 916, 49 U. S. C. 20) and,

It appearing, that a notice dated March 17, 1953, was served on all pipeline companies subject to provisions of the act, to the effect that a certain modification had been approved, such notice also being published in the FEDERAL REGISTER on March 26, 1953 (18 F R. 1705) pursuant to provisions of section 4 of Administrative Procedure Act; and,

It further appearing, that the notice provided for written views or arguments to be filed by any interested person on or before May 1, 1953, and no representations having been received: It is ordered, that:

(1) *Effective date.* The modification which is set forth below, relating to the subject matter of said notice, shall become effective July 1, 1953.

(2) *Notice.* A copy of this order including the modification shall be served on each carrier by pipeline subject to Part I of the Act, and on every trustee, receiver, executor, administrator, or assignee of any such carrier, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12)

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

In § 20.0-35 *Items to be charged* cancel the note to this instruction, and substitute the following for it:

NOTE: Hand tools or other individual items of property, not specified as accounting units of property in Appendix A, the cost of each of which is less than $30, shall be charged to operating expenses. An amount less than $300 may be adopted for this purpose, provided the carrier first notifies the Commission of the amount it proposes to adopt and then conforms its accounting to the basis of such lesser amount until otherwise authorized by the Commission; and provided that, if a minimum less than $300 is used for accounting purposes, it shall also be observed in reporting property changes for valuation purposes. This rule does not apply to component parts of a construction project when the total cost of the project is $300 or more.

[F. R. Doc. 53-4665; Filed, May 27, 1953; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR Part 131]

HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

APPROVAL OF BUDGET AND FIXING OF RATE OF ASSESSMENT FOR CALENDAR YEAR 1953

Consideration is being given to the approval of a budget of expenses of the Control Agency established under the marketing agreement and the marketing order (9 CFR 131.1 et seq.) regulating the handling of anti-hog-cholera serum and hog-cholera virus, and the fixing of the rate of assessment to be paid by handlers, for the calendar year 1953, as follows: (1) The expenses which will necessarily be incurred by the control agency, established pursuant to the provisions of the marketing agreement and of the marketing order, for the maintenance and functioning of said agency during the calendar year 1953, will amount to $35,275.00 under the recommendation of the control agency, from which shall be deducted the unexpended balance of $4,929.97 on hand with said control agency on January 1, 1953, from assessments collected during the calendar year 1952, leaving a balance of $30,345.03 to be collected during the calendar year 1953, and (2) of the amount of $30,345.03 to be collected during the calendar year 1953, the sum of $24,276.03 shall be assessed against handlers who are manufacturers, and $6,069.00 shall be assessed against handlers who, as distributors, market their products principally through veterinarians or other channels. The pro rata share of the expenses of the control agency to be paid for the calendar year 1953 by each handler who is a manufacturer shall be $20.26 per million cubic centimeters (determined by the nearest whole number) of hyperimmune blood collected by such handler during the calendar year 1952 and the pro rata share of such expenses to be paid for the calendar year 1953 by each handler who, as a distributor, markets his products principally through veterinarians or other channels shall be $25.00 for the first million cubic centimeters or fraction thereof and $3.23 for each additional million cubic centimeters or fraction thereof of serum sold by such handler. Such assessments shall be paid by each respective handler in accordance with the applicable provisions of the marketing agreement and order.

Terms. As used herein, the terms "handler" "manufacturer", "distributor" and "serum" shall have the same meaning as is given to each such term in said marketing agreement and marketing order.

Interested parties may obtain copies of the budget mentioned herein from the Executive Secretary of the Control Agency, 512 Porter Building, Kansas City, Missouri.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid consideration shall file the same with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents shall be filed in quadruplicate.

(49 Stat. 781; 7 U. S. C. 851 et seq.)

Issued this 25th day of May 1953.

[SEAL] TRUE D. MORSE, *Acting Secretary of Agriculture.*

[F. R. Doc. 53-4679; Filed, May 27, 1953; 8:53 a. m.]

Production and Marketing Administration

[7 CFR Parts 816, 818, 819]

SUGAR REQUIREMENTS AND QUOTAS

ENTRY OR USE OF SUGAR WITHOUT CHARGE TO QUOTAS

Notice is hereby given that the Secretary of Agriculture, pursuant to authority vested in him by the Sugar Act of 1948, as amended (61 Stat. 922 as amended by 65 Stat. 318; 7 U. S. C. Sup. 1100) is considering the revision as hereinafter proposed of Sugar Regulations 816, 818 and 819.

The purposes of these revisions are: (1) To revise the requirements relating to the entry and marketing of sugar without charge to quota, and (2) to clarify and restate in one regulation (Sugar Regulation 816) all of the requirements relating to the entry and marketing of sugar or liquid sugar without charge to quota.

Proposed changes relating to requirements generally. The proposed revision clarifies a number of provisions relating to payments upon default of other conditions of bonds given for the purposes specified in these regulations. It makes such payments independent of penalties under section 405 of the Sugar Act and provides that defaulted quantities shall be charged to applicable quotas only after all other charges for the year have been made (proposed § 816.9) This revision should provide greater assurance that quantities of sugar imported or marketed under bond will not be in excess of that which can be used for the purposes stated in the bond.

Sugar Regulations 816, 818, and 819 provide that bonds furnished for the purposes specified shall be in such amount as the Secretary of Agriculture may determine. To simplify procedures and assure equitable treatment to all parties furnishing bonds, the proposed revision provides that the amount of bond shall be equal to the value of the sugar covered and the method of determining the applicable price is set forth in the regulation (proposed § 816.6 (b))

The proposed revision provides that persons furnishing a bond shall keep and preserve for a period of not less than two years from the date of notice of termination of the obligation under such bond an accurate record of all transactions in the sugar covered by the bond. In some instances this provision will have the effect of extending slightly the period

during which such records must be kept. This change is made to assure sufficient time for verification of records when necessary (proposed § 816.11)

Proposed change relating to use in manufacture of articles for export. Sugar Regulation 818 provides that the equivalent of sugar imported for the purpose of exporting manufactured articles shall be exported and the claim or claims for drawback shall be allowed within three years from the date of importation. The proposed revision provides that exportation of the sugar rather than allowance of drawback must be completed within three years from the date of entry. This change is proposed to make the requirements consistent with Customs' Regulations relating to the allowance of drawback of duty (proposed § 816.6 (c) (2))

Proposed changes relating to use for distillation of alcohol, or for livestock feed. The wording of the proposed revision has been clarified to avoid any implication that it prohibits the use of quota sugar for the distillation of alcohol, for livestock feed, or for the production of livestock feed (proposed § 816.2) It provides for credits to quotas with respect to sugar originally charged to a quota but subsequently used for the distillation of alcohol or for livestock feed (proposed § 816.10) This provision is included to implement the exemption of such uses of sugar from the quota provisions as provided for in section 212 of the act.

To assure full compliance with section 212 of the act it is necessary that some means be established for determining, before accepting bonds, that the intended use of the sugar is in accordance with the requirements under this section. Accordingly, the proposed revision provides that a statement of the process of distillation, feeding or production of livestock feed be attached to and made a part of any bond given for such purposes (proposed § 816.6 (c) (iii)).

Sugar Regulation 819 requires that the proper use of sugar under bond for use as livestock feed or in the production of livestock feed or for the distillation of alcohol shall be reported to the Secretary. For the purpose of keeping records current and assuring compliance within the time limitations established relative to the use of such sugar, the proposed revision stipulates that the report of proper use shall be made within 30 days of the completion of the use of the sugar or liquid sugar but in no case later than seven months from the date of approval of the bond (proposed § 816.7 (b))

Other proposed changes. A provision in existing Sugar Regulation 816 under which domestically produced over-quota sugar may be marketed in substitution for quota sugar has been deleted. This provision is applicable only when allotments are in effect and is therefore more appropriately placed in allotment orders. A similar provision has been included in the regulations allotting quotas for Puerto Rico for 1949–53.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed regulation shall file the same in quadruplicate with the Director of the Sugar Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 20 days after the publication of this notice in the FEDERAL REGISTER.

The proposed Sugar Regulation 816 is as follows:

PART 816—ENTRY AND MARKETING OF SUGAR OR LIQUID SUGAR WITHOUT CHARGE TO QUOTA

Sec.

AUTHORITY: 816.1 to 816.11 issued under sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153.

§ 816.1 *Definitions.* (a) The term "act" means the Sugar Act of 1948, as amended (61 Stat. 922 as amended by 65 Stat. 318; 7 U. S. C. Sup. 1100)

(b) The term "person" means any individual, partnership, corporation, or association.

(c) The term "Department" means the United States Department of Agriculture.

(d) The term "Secretary" means the Secretary of Agriculture or any officer or employee of the Department to whom the Secretary has lawfully delegated the authority to act in his stead.

(e) The term "domestic area" means the domestic beet sugar area, the mainland cane sugar area, Hawaii, Puerto Rico or the Virgin Islands.

(f) The term "quota" means any quota (or the direct-consumption portion of any quota) or proration thereof established by the Secretary pursuant to the act and any allotment of any such quota pursuant to section 205 (a) of the act.

(g) The term "processor" means any person engaged in the manufacture of sugar or liquid sugar from sugar beets or sugarcane grown in a domestic area and the term shall also include a producer of sugarcane who receives sugar in payment for sugarcane.

(h) The term "refiner" means any person who engages in the processing (refining) of sugar or liquid sugar to further improve the quality of such sugar or liquid sugar.

§ 816.2 *General requirement.* No sugar or liquid sugar shall be brought in or imported into the continental United States, or marketed in any domestic area for consumption in such area, without being charged to the applicable quota and allotment, except sugar or liquid sugar entered or marketed in accordance with the provisions of this part. No person shall be deemed to have complied with the provisions of this part unless such person has complied with all applicable requirements of Part 817 of this chapter relating to the entry of sugar or liquid sugar into the continental United States.

§ 816.3 *Refining and use in articles for export.* Upon acceptance by the Secretary of a bond furnished pursuant to § 816.6, sugar or liquid sugar may be brought in or imported into the United States without being charged to the applicable quota or allotment (a) to be refined and exported as sugar or liquid sugar, or (b) to be used in the manufacture of articles for export.

§ 816.4 *Use for distillation of alcohol or for livestock feed.* Upon acceptance by the Secretary of a bond furnished pursuant to § 816.6, sugar or liquid sugar may be brought in or imported into the continental United States, or marketed in any domestic area, for the distillation of alcohol, for livestock feed, or for the production of livestock feed without being charged to the applicable quota or allotment.

§ 816.5 *Refining pending availability of quota*—(a) *Refining within the producing area.* Upon acceptance by the Secretary of a bond pursuant to § 816.6, sugar or liquid sugar produced from sugarcane grown in a domestic area may be sold and delivered to a refiner within the same producing area, for refining only, without being charged against the applicable quota.

(b) *Refining and return to Customs' custody.* Whenever the Secretary determines and gives public notice thereof that such action will not interfere with the effective administration of the act, and upon the acceptance by the Secretary of a bond furnished pursuant to § 816.6, raw or liquid sugar may be brought in or imported into the continental United States for the purpose of being refined and returned to Customs' custody without being charged to the applicable quota.

§ 816.6 *Provisions of bond*—(a) *Principals and sureties.* The importer, consignee, owner, processor, refiner, or other person interested in the sugar or liquid sugar shall furnish a bond pursuant to this part with a surety or sureties approved by the Secretary of the Treasury as acceptable on Federal bonds.

(b) *Amount.* The amount of any bond furnished under this part shall be equal to the value of the sugar or liquid sugar covered by such bond. The value of raw sugar shall be based on the last "spot" duty-paid price for raw sugar for consumption in the continental United States determined by the New York Coffee and Sugar Exchange before the date of execution of the bond. The value of direct-consumption sugar shall be based on the "basis price" for granulated refined sugar openly announced by the refiner or processor selling such sugar for the date of execution of the bond at the refinery point from which the sugar is to be delivered or, if such sugar is sold by an importer, the value shall be based on the "basis price" for granulated refined sugar openly announced by competing refiners. The value of liquid sugar shall be the same price per pound

as for refined sugar multiplied by the pounds of total sugar content.

(c) *Conditions to be fulfilled.* (1) Any bond furnished under this part shall specify the quantity of sugar or liquid sugar to which each of the following conditions is applicable:

(i) A quantity of sugar or liquid sugar equal to the quantity imported or brought in for refining and exportation shall be exported from the continental United States within six months from the date of entry of the quantity so imported or brought in.

(ii) Manufactured articles containing a quantity of sugar or liquid sugar equal to the quantity imported or brought in to be used in the manufacture of articles to be exported shall be exported within three years from the date of entry of the quantity so imported or brought in.

(iii) A quantity of sugar or liquid sugar equal to the quantity imported or brought in to the continental United States, or marketed in any domestic area, for the distillation of alcohol, for livestock feed, or for the production of livestock feed, shall be used within six months from the date of entry or marketing of the quantity so entered or marketed in accordance with a statement of the process of distillation, feeding or production of livestock feed, attached to and made a part of the bond.

(iv) A quantity of sugar or liquid sugar equal to the quantity sold and delivered to a refiner within the producing area for refining pending availability of quota shall be physically segregated within one month from the date of approval of the bond or such shorter period as may be designated by the Secretary, and shall be held apart from all other sugar until the beginning of the next calendar year or until such earlier date as the Secretary may specify. The processor shall not market sugar against any applicable allotments subsequently made available to him until all bonds covering sugar delivered by such processor are released.

(v) A quantity of sugar or liquid sugar refined by the same refiner equal to the quantity brought or imported into the continental United States for refining only pending availability of quota shall be returned to Customs' custody within one month from the date of importation unless, within that period, the sugar was permitted entry within the applicable quota, and if the quantity is not so returned before December 31, the principal shall have in inventory on that date the quantity under such bond in addition to any other quantities such person may be required to have in inventory.

(2) Any bond furnished under this part shall provide for payment to the United States of America of the expenses, if any, incurred by either the United States Customs Bureau or the Department as a result of supervision and control of the sugar or liquid sugar during the time the bond is in effect.

(3) Any bond furnished under this part shall provide for payment by the obligors to the United States of America of the amount of the bond upon default, in whole or in part, of any other condition of the bond.

§ 816.7 *Proof of fulfillment of conditions*—(a) *Exportation.* The principal on any bond given for a purpose specified in § 816.3 shall report to the Secretary on Form SU ____ within the first ten days of each calendar month the exportations of sugar or liquid sugar, made in fulfillment of a condition of such bond, on which drawback was allowed during the preceding calendar month. The report shall show the number of the bond to which exportation is to be applied and the following additional information: (1) With respect to the exported sugar or liquid sugar, including sugar in manufactured articles, (i) the date of exportation, (ii) the quantity of sugar or liquid sugar exported as sugar or in manufactured articles, and (iii) the polarization of the sugar, or the total sugar content of the liquid sugar or manfactured article; and (2) with respect to the imported sugar or liquid sugar on which drawback was allowed, (i) the port of entry, (ii) the date of entry or withdrawal, (iii) the entry or withdrawal number, (iv) the country of origin, (v) the quantity of the sugar or liquid sugar on which drawback was allowed, and (vi) the polarization of the sugar or the total sugar content of the liquid sugar. The Secretary may require other evidence of exportation, and nothing in this paragraph shall be deemed to preclude the acceptance of such other evidence by the Secretary as proof of fulfillment of the conditions of the bond.

(b) *Proper use.* Proper use of sugar or liquid sugar for the purpose of compliance with a bond given for any purpose specified in § 816.4 shall be reported to the Secretary. Such report shall be made by the person furnishing the bond within 30 days of the completion of the use of the sugar or liquid sugar but in no case later than seven (7) months from the date of approval of the bond and shall be on the Form SU ____ as follows:

CERTIFICATION OF USE OF SUGAR FOR A NON-QUOTA PURPOSE

The undersigned hereby certifies that he has used between _____ and _____, (Date) (Date) ____ tons of sugar raw value, and ____ gallons of liquid sugar of 72 percent total sugar content, for livestock feed, the production of livestock feed or the distillation of alcohol, toward the fulfillment of the bond numbered _____ on Form SU–17, in accordance with the statement of process attached to the bond or to this certificate.

_____
By _____
Address _____

Witness _____
Address _____
Date _____

(c) *Segregation and retention of sugar.* (1) Upon segregation of sugar or liquid sugar for compliance with the conditions of a bond prescribed for the purpose specified in § 816.5 (a) the refiner shall file with the Secretary a public warehouse receipt representing an equivalent quantity or if segregated in the principal's warehouse, the principal shall notify the Secretary in writing of the place and manner of such segregation and shall take all reasonable precaution to insure the continuation of such segregation for the period required by the bond.

(2) For compliance with the condition of a bond furnished in December of any year for the purpose specified in § 816.5 (b) with respect to sugar or liquid sugar not returned to Customs' custody before December 31, immediately thereafter the principal shall submit a Form SU–3 pursuant to Part 817 of this chapter with respect to such sugar or liquid sugar and shall certify thereon that an equivalent quantity was held in inventory by the principal on December 31 in addition to any other quantities required to be so held.

(d) *Customs' custody.* Upon the return of a quantity of sugar or liquid sugar to Customs' custody for compliance with the condition of a bond furnished for the purpose specified in § 816.5 (b) the Collector shall report to the Secretary, on Form SU-3B, his receipt of such sugar or liquid sugar showing the name of the principal and the number of the bond.

§ 816.8 *Termination of obligation under bonds.* The obligation of the principal and surety under any bond given pursuant to this part shall cease upon notice by the Secretary to the principal, in writing, that reports pursuant to § 816.7 and any payments which may be due pursuant to paragraph (c) (2) and (3) of § 816.6 have been received and fully discharge such obligations.

§ 816.9 *Default of bond.* Upon default of any of the conditions of a bond furnished pursuant to this part, the applicable quota shall be charged as of the end of the current quota year with the quantity of sugar or liquid sugar with respect to which such default occurred, and to the extent that such quota is exceeded, the principal shall be subject to the penalties provided for in section 405 of the act. Such penalties shall be in addition to any obligation for payments to the United States of America pursuant to the terms of the bond.

§ 816.10 *Credits to quotas*—(a) *Exportation.* The quantity of sugar or liquid sugar with respect to which the Collectors of Customs report to the Secretary that drawback of duty has been allowed shall be credited to the current quota of the country from which the designated sugar was imported except to the extent that the exportation was in compliance with a condition of a bond furnished pursuant to this part.

(b) *Use for distillation of alcohol or for livestock feed.* The quantity of sugar or liquid sugar charged to the quota for any producing area but used for the distillation of alcohol, for livestock feed, or for the production of livestock feed, may be credited to the designated quota for the year in which such use occurred upon acceptance by the Secretary of such proof of the source and use of the sugar as he may require.

§ 816.11 *Records and reports.* Each person furnishing a bond pursuant to this part shall keep and preserve for a period of not less than two years from the date of termination of the obligation under such bond accurate records

of his transactions in the sugar or liquid sugar covered by such bond. Each such person shall further be required to keep such records and submit such reports as may be necessary or appropriate in the administration of the provisions of this part, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. The Director of the Sugar Branch, Production and Marketing Administration of the Department, or any employee of the Department authorized to act in his stead, shall be entitled to inspect such records at such time and to such extent as may be necessary or appropriate, in his discretion, in the administration of the provisions of this part.

§ 816.12 *Delegation of authority.* The Director or Deputy Director of the Sugar Branch, or the Chief of the Quota and Allotment Division thereof, Production and Marketing Administration of the Department, are authorized to act for and on behalf of the Secretary in administering §§ 816.1 to 816.11.

Issued at Washington, D. C., this 25th day of May 1953.

[SEAL] HOWARD H. GORDON,
Administrator

[F. R. Doc. 53-4683; Filed, May 27, 1953; 8:54 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

UTAH

NOTICE OF FILING OF PLAT OF SURVEY

MAY 19, 1953.

Notice is given that the plat of original survey of the following described lands, accepted February 5, 1953, will be officially filed in the Land and Survey Office, Salt Lake City Utah, effective at 10:00 a. m. on the 35th day after the date of this notice:

SALT LAKE MERIDIAN

T. 30 S., R. 8 W.,
Secs. 1 to 36 inclusive.

The areas described aggregate 23,632.77 acres.

Available information indicates that the lands described range from nearly level desert lands in the north to high rugged desert mountains in the south.

No applications for the lands described may be allowed under the homestead, desert-land, small tract, or any other non-mineral public land law unless the land has already been classified as valuable or suitable for such application or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a) as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284) as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Salt Lake City, Utah.

ERNEST E. HOUSE,
Manager

[F. R. Doc. 53-4654; Filed, May 27, 1953; 8:48 a. m.]

[Docket DA-414]

IDAHO

RESTORATION ORDER UNDER FEDERAL POWER ACT

MAY 21, 1953.

Pursuant to determination DA-414-Idaho of the Federal Power Commission and in accordance with Order No. 427, sections 2.22 (a) (4) of the Administrator for Land Management, approved August 16, 1950, 15 F R. 5641, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals the lands hereinafter described so far as they are withdrawn and reserved for power purposes are hereby restored to disposition under the public land laws as provided by law, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. sec. 818) as amended.

IDAHO

T. 28 N., R. 1 E., B. M.,
Sec. 35, lot 2.

The area described aggregates 11.80 acres.

The land described is level to gradually sloping hillside and the soil is rocky and sandy loam. The land is primarily suitable for agricultural and livestock ranching purposes and it is classified subject to disposal under the public sale law. While any application that is filed will be considered on its merits, it is unlikely that any part of the restored (or opened) land will be classified for any use or disposal other than that shown above.

The land described shall be subject to application by the State of Idaho for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of materials for the construction and maintenance of such highways subject to section 24 of the Federal Power Act, as amended. This order shall not otherwise affect

the status of the lands until 10:00 a. m. on the 91st day after the date of publication of this order in the FEDERAL REGISTER. At that time, the land shall become subject to application, petition, location and selection subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws and the 90-day preference filing period for veterans and others entitled to preference under the act of September 27, 1944, (58 Stat. 747; 43 U. S. C. 279–284) as amended. Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request in the Land and Survey Office, Boise, Idaho.

JAMES F. DOYLE,
Assistant Regional Administrator

[F. R. Doc. 53-4670; Filed, May 27, 1953; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MONTANA AND SOUTH DAKOTA

DESIGNATION OF DISASTER AREAS HAVING NEED FOR AGRICULTURAL CREDIT

Pursuant to the authority contained in section 2, of the act of April 16, 1949 (63 Stat. 44, 12 U. S. C. 1148a–2) to designate areas having a need for agricultural credit, the following designations were made:

MONTANA

On May 5, 1953, McCone County was designated as a disaster area due to adverse weather conditions. After December 31, 1953, disaster loans will not be made except to borrowers who previously received such assistance.

SOUTH DAKOTA

On May 5, 1953, Perkins County was designated as a disaster area due to adverse weather conditions. After December 31, 1953, disaster loans will not be made except to borrowers who previously received such assistance.

Done at Washington, D. C., this 22d day of May 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-4662; Filed, May 27, 1953; 8:49 a. m.]

DEPARTMENT OF COMMERCE

Office of International Trade

[Case No. 156]

VICTOR ENGLAND ET AL.

ORDER REVOKING LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of Victor England, individually and trading as Victor England Agencies, 420 Market Street, San Francisco, California; The Capital Company, Peter H. T. Pan, Partner, Room 502 Oi Kwan Building, 63 Des Voeux Road C., Hong Kong, respondents; Case No. 156.

Compliance proceedings were instituted against the above-named respondents by charging letter of April 3, 1953, issued by the Investigation Staff of the Office of International Trade, United States Department of Commerce, charging that said respondents had violated the Export Control Act of 1949, as amended, and the regulations issued thereunder, by engaging in the transactions and misrepresentations set forth below.

Respondent Pan thereafter submitted a letter dated April 30, 1953, purporting to be an answer to the charges; and respondent England, after first filing a request for oral hearing and an answer to the charges, later withdrew same and elected to submit a writing dated April 27, 1953, admitting the charges in the charging letter for the purpose of the compliance proceedings only and consenting to an order denying his export privileges for the period and under the terms set forth below.

In conformance with the regulations a hearing on the charges was held before the Compliance Commissioner at Washington, D. C., on May 6, 1953, at which time the evidentiary material in support of the charges was offered by counsel to the Office of International Trade and received in evidence, as well as the said consent letter of respondent England and the answer of respondent Pan, although neither of the respondents appeared in person nor were they represented by counsel.

On the basis of the evidence and on the admissions of respondent England, the report of the Compliance Commissioner discloses the following:

With knowledge of United States export control regulations then applicable to shipments of United States origin commodities to Hong Kong and Macao, and for the purpose of evading and circumventing such regulations, these respondents, in September 1951, entered into an arrangement whereby they pretended to establish in Lisbon, Portugal, a wholly non-existent company called The Capital Company, to act as a conduit through which such commodities were to be shipped by respondent England from the United States to The Capital Company, in Lisbon, as ostensible purchaser-ultimate consignee, and then on-shipped by such company to respondent Pan at Macao or Hong Kong.

In furtherance of this scheme, respondent England filed with the Office of International Trade, between November 1951 and September 1952, five license applications to export to the fictitious Lisbon company, as the represented purchaser and ultimate consignee, various United States origin commodities including radio tubes, carburetors, twist drills and testers, aggregating in value over $38,000. In purported support of said applications respondent England submitted fabricated ultimate consignee statements on letterheads of The Capital Company which he had caused to be printed in San Francisco. Four of the said applications were granted by the Office of International Trade in reliance upon the said representations and attached consignee statements, but the fifth application was rejected on November 14, 1952, following the initiation of the investigation in this case. None of the licenses issued to respondent England was used to effect an exportation thereunder and such licenses were later recalled and revoked.

In continuance of the arrangement, and on or about April 15, 1952, respondent England exported from the United States to respondent Pan at Hong Kong 200 driver units (equipment for public address loud speakers) having a value of $2,350. This exportation was accomplished by the device of filing with the Collector of Customs at New York a shipper's export declaration, thereon designating a freight forwarding firm in Lisbon, Portugal, as the purchaser-consignee of the articles and Portugal as the country of ultimate destination, and describing the articles as commodities exportable to Portugal under general license GRO. In reliance on respondent England's representations the Collector of Customs authenticated said declaration and permitted the exportation to be effected. Thereafter, these respondents instructed the unsuspecting Lisbon freight forwarding concern to re-export the driver units from Lisbon to respondent Pan at Hong Kong via Macao and said re-exportation was effected by this concern pursuant to such instructions, without a validated export license having been issued for this exportation to Hong Kong, contrary to United States export law and regulations.

In further effectuation of the scheme, respondent England shipped to respondent Pan at Hong Kong, between March and June 1952, some five dozen twist drills valued at $100, without having obtained the necessary prior authority from the Office of International Trade. To effect this exportation, respondent England, acting on instructions from respondent Pan, transmitted the twist drills to a friend of Pan's in the United States and this individual, also acting on instructions from Pan, turned the articles over to a departing traveler who carried them from the United States to respondent Pan at Hong Kong as personal baggage.

Finally, during the course of the investigation in this case by the Office of International Trade and after said office had made demand therefor upon respondent England, said respondent failed and refused to make available to the Office of International Trade numerous documents in his possession constituting evidence of the orders and of the facts relating to the transactions above described, and, instead, destroyed numerous of said documents, contrary to the regulations issued under the export control law.

The report of the Compliance Commissioner shows further that on the basis of a review and analysis of the evidence he has found the charges against the respondents to be supported by the evidence and has also found the terms and conditions of the proposed order as consented to by respondent England to be fair and reasonable, and he has recommended that such order be issued.

In his report the Compliance Commissioner has pointed out the seriousness of the violations committed by the

respondents and that such violations constituted a knowing attempt by the respondents to frustrate and avoid United States governmental policies relating to exports to Hong Kong and Macao. The Compliance Commissioner has stated that such tactics by those privileged to participate in United States exports tend to undermine the integrity of the export control system and cannot be condoned.

The report of the Compliance Commissioner further discloses that he has made a finding that respondents are in pari delecto as to all the violations herein except the serious violation of refusing to produce, and of destroying, files and records material to the transactions described above, contrary to export control law and regulations; and that as to such violation he has found respondent England to be solely responsible.

In making his recommendations the Compliance Commissioner's report shows that he has given consideration to the previous good record of the respondents and that this is the only known instance where they have been charged with a breach of export regulations such as those here involved. He has also taken into consideration the temporary denial of all export privileges (except the limited use of general license G–PUB) against respondent England contained in an ex parte order issued on October 31, 1952, and thereafter extended and continued in effect until the determination of these compliance proceedings, and of the temporary denial of license privileges against respondent Pan contained in the provisions of the charging letter of April 3, 1953, pursuant to which said respondent Pan (and respondent England) has been ineligible to participate as a party to any validated export licenses or to any exportations from the United States effected thereunder pending the completion of these proceedings.

The Compliance Commissioner has also pointed out that he has considered the additional violation committed by respondent England as aforesaid to call for a larger suspension than for respondent Pan, but that since respondent England has been enjoined and prohibited from participating in any exports (except G–PUB as stated) since October 31, 1952, to date, and respondent Pan only since April 3, 1953, that such period of denial of privileges already suffered by respondent England shall be taken into account, and the Compliance Commissioner has so recommended.

The findings and recommendations of the Compliance Commissioner have been carefully considered, together with the charging letter, the evidentiary material, the proposal for a consent order of respondent England, the answer to the charges of respondent Pan, and the entire record. It appears therefrom that the Compliance Commissioner's findings are in accordance with the evidence and that such recommendations are reasonable and should be adopted.

Now, therefore, it is ordered as follows:

(1) All outstanding validated export licenses held by or issued in the names of the above-named respondents, or any of them, or in which they appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be forthwith returned to the Office of International Trade for cancellation.

(2) Except as hereinafter provided, the named respondents, and each and all of them, are hereby denied and declared ineligible to exercise the privileges of participating directly or indirectly in any manner or capacity in the exportation of any commodity from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall be deemed to include and prohibit respondents' participation (a) in the filing of any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control document, (c) in the receiving in any foreign country of any exportation from the United States, and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

(3) Such denial of export privileges shall extend not only to the named respondents, their successors or assigns, directors, officers, associates, partners, representatives, agents, and/or employees, but also to any person, firm, corporation or business organization with which they or any of them, may be now or hereafter related by ownership, control, position of responsibility or other connection in the conduct of trade involving exports from the United States or services connected therewith.

(4) The following export privileges only are excepted from the provisions of paragraph (2) above with respect to respondent Victor England, individually and trading as Victor England Agencies, and such exception shall not apply to any of the other respondents named herein: Said Victor England, individually and trading as Victor England Agencies, may during the term of this order engage in exportations from the United States to any foreign destination of any commodities lawfully exportable under general export license G–PUB as such general export license is now constituted, or as it may be amended during the term of this order: *Provided, however* That such exportations shall be effected from and through the Port of San Francisco (California) and no other port of exit from the United States.

(5) This order shall become effective from the date hereof and shall extend to May 1, 1955, or for the duration of export controls, whichever expires earlier.

(6) Except in connection with exportations by or for respondent Victor England, individually and trading as Victor England Agencies, pursuant to the provisions of paragraph (4) above, no person, firm, corporation, or other business organization shall knowingly apply for or obtain any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation from the United States under validated or general export licenses, to or for the respondents, or any of them, or any person, firm, corporation, or other business organization covered by paragraph (3) above, without prior disclosure of such facts to, and specific authorization from, the Office of International Trade.

Dated: May 25, 1953.

JOHN C. BORTON,
Assistant Director
for Export Supply.

[F. R. Doc. 53-4663; Filed, May 27, 1953; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10365, 10366]

PEOPLES BROADCASTING CO. AND WGAL, INC. (WGAL-TV)

ORDER SCHEDULING HEARING

In re applications of Peoples Broadcasting Company, Lancaster, Pennsylvania, Docket No. 10365, File No. BPCT-654; for construction permit for a new television station; WGAL, Inc. (WGAL-TV) Lancaster, Pennsylvania, Docket No. 10366, File No. BPCT-910; for construction permit to change site, increase power and antenna height, make equipment changes and for Regular Operation of Television Station WGAL-TV on Channel 8.

The Commission having under consideration the matter of fixing a date for the commencement of the hearing of evidence in this proceeding and the discussions of matters relevant thereto which were had at the informal conference of counsel for all parties on May 1, 1953, and upon the record at the pre-hearing conference on this date; and

It appearing, that the parties were advised as aforesaid that the hearing in this proceeding should be commenced as hereinafter ordered and that such commencement of the hearing will best conduce to the proper dispatch of the Commission's business:

Now therefore, it is ordered, This 15th day of May 1953, that the hearing of evidence in this proceeding shall be commenced at the offices of the Commission in Washington, D. C., on Monday, June 1, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-4671; Filed, May 27, 1953; 8:51 a. m.]

[Docket Nos. 10459, 10460]

LEBANON TELEVISION CORP. AND STEITZ NEWSPAPERS, INC.

ORDER CONTINUING HEARING

In the matter of Lebanon Television Corp., Lebanon, Pennsylvania, Docket No. 10459, File No. BPCT-1011, Steitz Newspapers, Inc., Lebanon, Pennsylvania, Docket No. 10460, File No. BPCT-1028; applicants for construction permits for new commercial television broadcasting stations.

Upon oral motion of counsel for all applicants and with the concurrence

thereto by counsel for the Commission's Broadcast Bureau:

It is ordered, This 22d day of May 1953, that the hearing in the above matter scheduled for May 25, 1953, is continued to 9:00 a. m., June 8, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-4672; Filed, May 27, 1953; 8:51 a. m.]

[Docket Nos. 10474, 10475]

ROYALTEL AND PACIFIC FRONTIER BROADCASTING CO., LTD.

ORDER CONTINUING HEARING

In re application of Herman B. Rosen, L. P. Rosen, Ralph Davis and Helen Speck d/b as Royaltel, Honolulu, T. H., Docket No. 10474, File No. BPCT-923; Pacific Frontier Broadcasting Company, Ltd., Honolulu, T. H., Docket No. 10475, File No. BPCT-945; for construction permits for new commercial television stations.

The Commission having under consideration a petition for continuance of hearing filed May 15, 1953, by Pacific Frontier Broadcasting Company, Ltd., requesting that the hearing in the above-entitled applications, presently scheduled to commence May 27, 1953, at Washington, D. C., be continued indefinitely; and

It appearing, that all participants in this proceeding have consented to waiver of § 1.745 of the Commission's rules so as to permit immediate consideration of this petition and further have consented to its grant;

It is ordered, This 19th day of May 1953, that the petition of Pacific Frontier Broadcasting Company, Ltd., for continuance of hearing is granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-4673; Filed, May 27, 1953; 8:52 a. m.]

[Docket Nos. 10522, 10523, 10524]

SOUTHLAND TELEVISION CO. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Southland Television Company, Shreveport, Louisiana, Docket No. 10522, File No. BPCT-992; T. B. Lanford, R. M. Dean, Mrs. Mary Jewel Kimbell Lanford and the Viola Lipe Dean Trust, d/b as Radio Station KRMD, Shreveport, Louisiana, Docket No. 10523, File No. BPCT-993; Don George, Henry E. Linam, Ben Beckham, Jr., and Carter Henderson, d/b as Shreveport Television Company, Shreveport, Louisiana, Docket No. 10524, File No. BPCT-1022; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of May 1953;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 12 in Shreveport, Louisiana; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters dated August 6, 1952, that their applications were mutually exclusive and that a hearing would be necessary; that Southland Television Company was advised by letters dated February 17, 1953, and May 5, 1953, that certain questions were raised as a result of deficiencies of a legal and financial nature which existed in its application, and that the question of whether its proposed antenna system and site would constitute a hazard to air navigation was unresolved; that Radio Station KRMD was advised by letters dated February 17, 1953, and April 14, 1953, that certain questions were raised as a result of deficiencies of a financial nature which existed in its application; and that Shreveport Television Company was advised by letters dated February 17, 1953, May 5, 1953, and May 13, 1953, that certain questions were raised as a result of deficiencies of a technical and financial nature which existed in its application, and that the question of whether its proposed antenna system and site would constitute a hazard to air navigation was unresolved; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that Southland Television Company and Shreveport Television Company are legally, financially and technically qualified to construct, own and operate television broadcast stations; and that Radio Station KRMD is legally and technically qualified to construct, own and operate a television broadcast station;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 9:00 a. m. on June 19, 1953, in Washington, D. C., upon the following issues:

1. To determine whether Radio Station KRMD is financially qualified to construct, own and operate the proposed television broadcast station.

2. To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programing service proposed in each of the above-entitled applications.

Released: May 22, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-4674; Filed, May 27, 1953; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2152]

LONE STAR GAS CO.

ORDER FIXING DATE OF HEARING

On April 10, 1953, Lone Star Gas Company (Applicant), a Texas corporation having its principal place of business at Dallas, Texas, filed an application for an order disclaiming jurisdiction, or, in the alternative, for an order pursuant to section 7 (b) of the Natural Gas Act permitting and approving a change in natural-gas service to the communities of Archer City, Holliday, Magargel and Olney, all in Texas, by the substitution of intrastate for interstate service, as described in application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is not a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission orders:

(A) The request that the proceeding be disposed of under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure be and the same hereby is denied.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 7 and 15 thereof, and the Commission's rules of practice and procedure (18 CFR Chapter I), a hearing be held on June 10, 1953, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: May 21, 1953.

Issued: May 22, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-4645; Filed, May 27, 1953; 8:46 a. m.]

[Docket No. G-2175]

HOME GAS CO.

ORDER SUSPENDING PROPOSED TARIFF AND PROVIDING FOR HEARING

On April 24, 1953, Home Gas Company (Home) pursuant to Part 154 of the Commission's general rules and regulations (18 CFR Part 154) tendered for filing with the Commission its proposed FPC Gas Tariff, Second Revised Volume No. 1, increasing the presently effective rates and charges to Home's interstate wholesale customers, and requested that such proposed tariff by permitted to become effective on May 25, 1953.

Home's interstate wholesale customers are as follows: Binghamton Gas Works, an affiliate in the Columbia Gas System; The Keystone Gas Company, Inc., also an affiliate in said system; Central Hudson Gas & Electric Corporation; Empire Gas and Fuel Company, Ltd., New York State Electric and Gas Corporation; and Rockland Light and Power Company.

According to Home, the proposed rate schedules would increase the presently effective rates and charges by a total of $286,588 annually, based on estimated sales for the 12 months ending April 30, 1954, distributed as follows:

Purchaser:	*Increase*
Binghamton Gas Works	$106,814
Central Hudson Gas and Electric Corp	33,956
Empire Gas and Fuel Co., Ltd	6,570
The Keystone Gas Co., Inc	68,968
New York State Electric and Gas Corp	2,591
Rockland Light and Power Co	67,689
Total	286,588

Home avers that claimed costs for the year 1952 on a 6.5 percent rate of return basis, adjusted for anticipated cost increases, result in a deficiency in its revenues, as computed under the rates being collected under bond in a proceeding now pending before the Commission, Docket No. G-1966.

Home purchases its entire gas requirements from The Manufacturers Light and Heat Company (Manufacturers) also an affiliate in the Columbia Gas System, and the major cost adjustment involves the cost to Home of purchased gas. Manufacturers also has applied for higher rates to become effective May 25, 1953.

Certain of the customer companies have protested the increase and have requested suspension and hearing.

Of even date herewith, the Commission entered an order suspending Manufacturers' proposed rate tariff until October 25, 1953, unless otherwise ordered by the Commission and until such further time as the same may be made effective in the manner prescribed by the Natural Gas Act.

The rates, charges, classifications and services set forth in Home's FPC Gas Tariff, Second Revised Volume No. 1, may be unjust, unreasonable, unduly discriminatory, and preferential, and may place an undue burden upon the ultimate consumers of the natural gas.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to section 4 of the Natural Gas Act, concerning the lawfulness of the rates, charges, classifications and services set forth in Home's FPC Gas Tariff, Second Revised Volume No. 1, and that said proposed tariff be suspended pending hearing and decision thereon.

The Commission orders:

(A) A public hearing be held at a date and place hereafter to be fixed by the Commission concerning the lawfulness of the rates, charges, classifications and services subject to the jurisdiction of the Commission, set forth in FPC Gas Tariff, Second Revised Volume No. 1, of Home Gas Company.

(B) Pending such hearing and decision thereon, said tariff tendered in this proceeding by Home Gas Company on April 24, 1953, be and the same hereby is suspended and the use thereof is deferred until October 25, 1953, unless otherwise ordered by the Commission, and until such further time thereafter as such tariff may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: May 21, 1953.

Issued: May 22, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-4646; Filed, May 27, 1953; 8:46 a. m.]

[Docket No. G-2176]

MANUFACTURERS LIGHT AND HEAT CO.

ORDER SUSPENDING PROPOSED TARIFF AND PROVIDING FOR HEARING

On April 24, 1953, The Manufacturers Light and Heat Company (Manufacturers), pursuant to Part 154 of the Commission's general rules and regulations (18 CFR Part 154), tendered for filing with the Commission its proposed FPC Gas Tariff, Second Revised Volume No. 1, increasing the presently effective rates and charges to Manufacturers' interstate wholesale customers, and requested that such proposed tariff be permitted to become effective on May 25, 1953.

Manufacturers' interstate wholesale customers are as follows: Home Gas Company, Inc., The Keystone Gas Company, Inc., Natural Gas Company of West Virginia, Acme Natural Gas Company, Ambridge Gas Company, Citizens Gas and Fuel Company, City Gas Company of Phillipsburg, N. J., Hagerstown Gas Company, Union Heat and Light Company, United Gas Improvement Company, United Natural Gas Company, Waynesboro Gas Company, and York County Gas Company. The first three above-named wholesale customers are affiliates of Manufacturers in the Columbia Gas System.

According to Manufacturers, the proposed rate schedules would increase the presently effective rates and charges by a total of $1,342,927, or 7.7 percent annually, based on estimated sales for the 12 months ending April 30, 1954, distributed as follows:

Purchaser:	*Increase*
Acme Natural Gas Co	$183,103
Ambridge Gas Co	5,856
Citizens Gas and Fuel Co	5,589
City Gas Co. of Phillipsburg, N. J.	6,057
Hagerstown Gas Co	11,761
Home Gas Co	462,256
The Keystone Gas Co., Inc	1,578
Natural Gas Co. of W. Va	266,611
Union Heat and Light Co	12,006
United Gas Improvement Co	176,625
United Natural Gas Co	94,694
Waynesboro Gas Co	3,590
York County Gas Co	112,602
Total	1,342,927

Manufacturers avers that the primary reason for the proposed rate increase is additional increased costs for gas purchased, over and above those which it claims in Docket No. G-1967, now pending before the Commission, wherein Manufacturers seeks increased rates which the Commission suspended and which are now effective under bond. Its claimed adjusted costs for the year 1952 are on a 6.5 percent rate of return basis, and include adjustments as well for wage increases, increased depreciation expenses, and increased delay rental expenses.

Certain of the customer companies of Manufacturers and of its affiliate Home Gas Company have protested or have questioned the increase.

The rates, charges, classifications and services set forth in Manufacturers' FPC Gas Tariff, Second Revised Volume No. 1, may be unjust, unreasonable, unduly discriminatory and preferential, and may place an undue burden upon the ultimate consumers of the natural gas.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to section 4 of the Natural Gas Act, concerning the lawfulness of the rates, charges, classifications and services set forth in Manufacturers' FPC Gas Tariff, Second Revised Volume No. 1, and that said proposed tariff be suspended pending hearing and decision thereon.

The Commission orders:

(A) A public hearing be held at a date and place hereafter to be fixed by the Commission concerning the lawfulness of the rates, charges, classifications and services subject to the jurisdiction of the Commission, set forth in FPC Gas Tariff, Second Revised Volume No. 1, of The Manufacturers Light and Heat Company.

(B) Pending such hearing and decision thereon, said tariff tendered in this

proceeding by The Manufacturers Light and Heat Company on April 24, 1953 be and the same hereby is suspended and the use thereof is deferred until October 25, 1953, unless otherwise ordered by the Commission, and until such further time thereafter as such tariff may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules and practice and procedure.

Adopted: May 21, 1953.

Issued: May 22, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-4647; Filed, May 27, 1953; 8:46 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21-454]

WATERPROOF PAPER INDUSTRY

NOTICE OF HOLDING OF TRADE PRACTICE CONFERENCE

Notice is hereby given that a trade practice conference for the waterproof paper industry will be held by the Federal Trade Commission in Room 532 of the Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., June 18, 1953, commencing at 10 a. m., e. d. t.

Products of the industry include all types of laminated paper which is impermeable or resistant to the passage of water or moisture by reason of having been treated with asphalt or asphaltic compounds and which is used for the wrapping or packaging of various types of manufactured articles (including medical supplies) or as building materials, or for various other industrial purposes. All persons, firms, corporations and organizations engaged in the business of manufacturing or marketing in commerce such paper products are considered members of the industry and are cordially invited to attend or participate in this industry meeting.

The conference on June 18, 1953, and such further conferences for the industry as the Commission may deem necessary or desirable, will be directed toward the eventual establishment and promulgation by the Commission of trade practice rules for the industry whereby unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses, may be eliminated and prevented.

Issued: May 25, 1953.

By direction of the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 53-4675; Filed, May 27, 1953; 8:53 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[ODM (DPA) Request No. 18-DPAV-11 (b)]

WITHDRAWAL OF REQUEST TO PARTICIPATE IN PLAN AND REGULATIONS OF ORDNANCE CORPS GOVERNING INTEGRATION COMMITTEE ON M 34 MODIFICATION KIT

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request published in 16 F. R. 10467, on October 12, 1951, to participate in the formation and activities of the M 34 Modification Kit Integration Committee, in accordance with the revised voluntary plan entitled "Plan and Regulations of Ordnance Corps Governing the Integration Committee on M 34 Modification Kit" dated August 1, 1951, transmitted to and accepted by those companies listed in 16 F. R. 10467, on October 12, 1951, is hereby withdrawn.

The immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act heretofore granted to these companies is likewise withdrawn, except as to those acts performed or omitted by reason of the request which occurred prior to this withdrawal.

(Secs. 708, 64 Stat. 818, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp., as amended by E. O. 10433, Feb. 4, 1953, 18 F. R. 761)

Dated: May 26, 1953.

ARTHUR S. FLEMMING, *Director.*

[F. R. Doc. 53-4718; Filed, May 26, 1953; 3:44 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3237]

ADOLF GOBEL, INC.

ORDER SUMMARILY SUSPENDING TRADING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 22d day of May A. D. 1953.

The Commission by order adopted on March 13, 1953, pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, having summarily suspended trading in the $1 par value common stock of Adolf Gobel, Inc., on the American Stock Exchange for a period of ten days from that date, and subsequently having entered additional orders further suspending such trading in order to prevent fraudulent, deceptive, or manipulative acts or practices; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on that Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices, effective at the opening of the trading session on said Exchange on May 25, 1953, for a period of ten days.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-4652; Filed, May 27, 1953; 8:47 a. m.]

[File No. 59-101]

KINZUA OIL & GAS CORP. ET AL.

NOTICE OF AND ORDER INSTITUTING PROCEEDINGS AND ORDER FOR HEARING

MAY 22, 1953.

In the matter of Kinzua Oil & Gas Corporation, Intercoast Utilities Incorporated, Northwestern Pennsylvania Gas Corporation, and its subsidiaries, Frances R. Dewing, Mary S. Morain, Ruth R. Ewing, Abigail S. Avery, Arthur S. Dewing, Fred W. Young, respondents; File No. 59-101.

Part I. The Commission having been advised that its Division of Corporate Regulation ("Division"), pursuant to sections 11 (a) 18 (a) and 18 (b) of the Public Utility Holding Company Act of 1935 ("the act"), has examined the corporate structures of Kinzua Oil & Gas Corporation and Intercoast Utilities Incorporated, each of which companies as a holding company registered on December 12, 1952, the corporate structures of the subsidiaries of such companies, the relationships among the several companies in the holding company system, the character of the interests thereof, the properties owned or controlled thereby and the relationship to said companies of Arthur S. Dewing ("Dewing") Frances R. Dewing, Mary S. Morain, Ruth R. Ewing, Abigail S. Avery and Fred W. Young ("Young") and the Division having further advised the Commission that its examination indicates or tends to indicate that:

1. The Kinzua Oil & Gas Corporation-Intercoast Utilities Incorporated holding-company system consists of the companies listed in the following table which shows the State of organization and the nature of the business of each such company, with indentations to show their respective corporate relationships:

Company	State of organization	Nature of business
Kinzua Oil & Gas Corp. ("Kinzua")	Pennsylvania	Holding company.[1]
Intercoast Utilities Inc. ("Intercoast")	Delaware	Holding company.[1]
Northwestern Pennsylvania Gas Corp. ("Northwestern").	Delaware	Holding company.[1]
Kane Gas Light and Heating Co. ("Kane Gas")	Pennsylvania	Gas utility.
Kane Plumbing Co., Inc. ("Kane Plumbing")	Pennsylvania	Plumbing, heating, sale of gas appliances.
Pennsylvania Counties Gas Corp. ("Penn Counties").	Delaware	Holding company,[1] gas production, transmission.
Clarion Natural Gas Co. ("Clarion")	Pennsylvania	Purchasing and gathering of natural gas; owns facilities for distribution of natural gas.

[1] Registered pursuant to section 5 (a) of the act on Dec. 12, 1952.

All of the above companies maintain their offices and carry on their businesses in the State of Pennsylvania.

2. Kinzua was organized by Dewing in or about June 1942, and since its organization has been solely a holding company. Kinzua has outstanding 10,000 shares of capital stock and $305,495 principal amount of notes of which $214,995 principal amount are owned by Dewing and $90,500 principal amount are owned by Oil City Trust Company, Oil City, Pennsylvania. The notes held by Oil City Trust Company are secured by pledge of a note from Kane Gas to Kinzua in the amount of $93,700 which is, in turn, secured by a first mortgage on the properties of Kane Gas. All of the 10,000 shares of the outstanding capital stock of Kinzua, with the exception of one share which is owned by the secretary of the company, were acquired in or about June 1942, and are now owned by Dewing and certain members of his family as follows:

Name	Relation to Dewing	Shares owned
Frances R. Dewing	Wife	2,000
Mary S. Morain	Daughter	2,000
Ruth R. Ewing	Daughter	2,000
Abigail S. Avery	Daughter	2,000
Dewing		1,999
		9,999

3. Intercoast was organized in 1934 and since that date has been solely a holding company. It has failed to pay its corporate franchise tax for a number of years and thereby forfeited its charter, but it has not been dissolved. It has outstanding 7,129 shares of preferred stock, 107,518 shares of Class A common stock and 50,000 shares of Class B common stock, all without par value. The holders of the outstanding securities of Intercoast are unknown, except that Young, its president, appears to be its principal stockholder.

4. Northwestern was organized in 1933 as successor to Atlantic Gas & Electric Corporation ("Atlantic Gas"), a Delaware corporation and a holding company, then owning certain securities of various public utility companies. Northwestern has been solely a holding company since its organization. Northwestern has outstanding $633,500 principal amount of 5 percent First Lien Collateral Trust Income Bonds due August 1, 1953, of which Kinzua owns $561,500 principal amount; 3,600 shares of 7 percent Cumulative Preferred Stock, $50 par value, all of which shares are owned by Kinzua; 25,566 shares of Class A common stock, $1 par value, 3,634 shares of which are owned by Kinzua and 18,505 shares are owned by Intercoast; and 6,000 shares of Class B common stock, $1 par value, of which 3,540 shares are owned by Kinzua and 2,460 shares are owned by Intercoast. All of the voting power of Northwestern's outstanding securities is vested in its Class B common stock and in its preferred stock on which dividends are in arrears, all as more fully described hereinafter. Kinzua owns 86.3 percent and Intercoast owns 13.7 percent of the outstanding voting securities of Northwestern.

5. Kane Gas' outstanding securities consist of 2,000 shares of common stock of $100 par value and a first mortgage note in the principal amount of $93,700. All of the shares of Kane Gas' common stock are owned by Northwestern and are pledged under the indenture securing Northwestern's income bonds. The first mortgage note of Kane Gas is owned by Kinzua and is pledged with the Oil City Trust Company as security for Kinzua's note in the principal amount of $90,500 held by said bank.

6. Kane Plumbing has common stock outstanding (par value not indicated) stated at $15,000, all of which is owned by Kane Gas.

7. Penn Counties has Class A and Class B common stocks outstanding (par value not indicated) which are stated at $150,000 and $100,000 respectively, and $215,000 principal amount of first mortgage bonds, all of which securities are owned by Northwestern. Penn Counties' bonds have been pledged under the indenture securing Northwestern's income bonds.

8. Clarion has common stock outstanding par value not indicated) stated at $345,000, all of which is owned by Penn Counties.

9. Young is the president, treasurer and a director of Northwestern, and is the president and a director of each of its direct and indirect subsidiaries. He has been an officer and a director of Northwestern and its predecessor, Atlantic Gas, since the respective dates of their organization.

10. Dewing is the president, treasurer and a director of Kinzua and owns more than 5 percent of the outstanding voting securities of two other public-utility companies; namely, Albion Gas Light Company and Illinois Gas Company.

11. The balance sheets of Northwestern and of Northwestern and its subsidiaries consolidated at December 31, 1951, are as follows:

Assets and other debits	Northwestern	Northwestern and subsidiaries consolidated
Capital Assets:		
Property, plant, equipment and franchises		$1,873,791
Less—Reserves for depreciation and depletion		1,181,281
		689,513
Excess of carrying value of investments in subsidiary companies over underlying book values [1]		175,463
		864,976
Investments	$973,758	9,403
Current Assets:		
Cash	36	1,130
Notes receivable	40,660	40,660
Accounts receivable	221,472	253,183
Materials and supplies		16,521
Gas in storage		14,219
	262,168	324,722
Deferred Debits:		
Cost of original cost study		17,340
Other	83,376	83,392
	83,376	100,732
	1,319,302	1,299,893

Liabilities and other credits	Northwestern	Northwestern and subsidiaries consolidated
Long term debt:		
Subsidiary company, mortgage payable		$93,700
Northwestern Pennsylvania Gas Corporation, First Lien Collateral Trust Income Bonds, due Aug. 1, 1953, less $4,000 reacquired and held in treasury	$633,500	633,500
	633,500	727,200
Current and accrued liabilities:		
Bank overdraft	990	12,666
Notes payable		77,592
Accounts payable	21,052	68,199
Customers deposits		3,715
Interest accrued		1,093
Royalties accrued		213
	22,042	163,293
Cumulative Interest on Income Bonds [2]	587,031	587,031
Deferred Credits		5,060
Capital Stock and Surplus:		
7% Cumulative preferred stock, $50 par value, 3,600 shs [3]	180,000	180,000
Class A common stock, $1 par value, 25,566 shs	25,566	25,566
Class B common stock, $1 par value, 6,000 shs	6,000	6,000
Total capital stock	211,566	211,566
Earned surplus (deficit)	(134,837)	(394,252)
	76,729	(182,686)
	1,319,302	1,299,893

( ) Denotes red figure.

[1] The financial statements submitted by Northwestern do not disclose the history of this item.

[2] Interest becomes due and payable when declared by the Board of Directors. Interest accrued but not declared becomes due and payable at maturity, all as more fully described hereinafter.

[3] Unpaid and undeclared dividends on the preferred stock have accumulated in the amount of $232,050 from the date of issuance, Aug. 1, 1933, to Dec. 31, 1951.

12. The capitalization and surplus (deficit) of Northwestern and of Northwestern and its subsidiaries consolidated at December 31, 1951, adjusted to show the amounts due to the bondholders and preferred stockholders in liquidation, are shown in the following table:

	Northwestern		Northwestern and Subsidiaries Consolidated	
	Amount	Percent	Amount	Percent
Long Term Debt and Cumulative Interest:				
Subsidiary company—mortgage payable			$93,700	8.3
Northwestern—First Lien Collateral Trust Income Bonds due Aug. 1, 1953	$633,500	48.8	633,500	53.0
Cumulative interest on income bonds	587,031	45.3	587,031	51.9
	1,220,531	94.1	1,314,231	116.2
Preferred Stock and Dividend Arrears:				
7% Cumulative Preferred Stock, $50 par value, 3,600 shs	180,000	13.9	180,000	15.9
Dividends in arrears	232,050	17.9	232,050	20.5
	412,050	31.8	412,050	36.4
Common Stock and Surplus (Deficit):				
Class A common stock, $1 par value, 25,500 shs	25,500	2.0	25,500	2.3
Class B common stock, $1 par value, 6,000 shs	6,000	.4	6,000	.5
	31,500	2.4	31,500	2.8
Earned surplus (deficit) adjusted	(366,853)	(28.3)	(623,092)	(55.4)
	(335,322)	(25.9)	(591,722)	(52.6)
Total capitalization and surplus adjusted	1,297,259	100.	1,131,545	100.

13. The income accounts of Northwestern and of Northwestern and its subsidiaries consolidated for the year ended December 31, 1951, are shown in the following table:

	Northwestern	Northwestern and Subsidiaries Consolidated
Operating revenues		$320,001
Operating Revenue Deductions:		
Operating expenses	$6,023	253,700
Depreciation and depletion		35,325
Taxes	291	5,348
	6,314	294,373
Operating income	(6,314)	25,628
Other Income:		
Income from merchandise, jobbing and contract work		727
Interest revenues	12,900	
Miscellaneous		9,673
	12,900	10,400
Gross income	6,586	36,028
Income Deductions:		
Interest on long term debt [1]	31,875	37,541
Other interest charges		3,435
	31,875	40,976
Net income (loss)	(25,289)	(4,948)

( ) Denotes red figures.
[1] Includes interest on $4,000 principal amount of income bonds reacquired and held in treasury at December 31, 1951.

14. Northwestern's income bonds mature August 1, 1953, and bear interest at the rate of five percent per annum, payable semiannually, beginning August 1, 1933. Such interest is cumulative and is payable in the order of accumulation when declared by the Board of Directors if and to the extent that consolidated net earnings of Northwestern shall suffice to pay. At maturity of the bonds the principal and all accumulated interest shall become due and payable whether or not such interest has been declared payable by the Board of Directors of the company.

15. Northwestern has never paid interest on its income bonds. The annual interest requirement on these bonds, which at present amounts to $31,675, was not earned in the year 1951 nor has it been earned in any year since Northwestern's organization. Northwestern has reported to its bondholders that it had an accumulated deficit of $10,147, before provision for interest on such income bonds, for the period August 1, 1933, through December 31, 1949, and listed its consolidated earnings available for bond interest, under the terms of the indenture securing such bonds, as follows:

Year ended July 31:	
1934	($70,803.23)
1935	(26,920.76)
1936	(14,754.58)
1937	2,863.11
1938	2,199.28
1939	12,854.61
1940	(1,635.30)
1941	4,034.99
1942	(16,096.13)
Period 7/31 to 12/31/42 [1]	(22,825.20)
Year ended Dec. 31:	
1943	(890.72)
1944	6,397.89
1945	23,469.50
1946	23,649.59
1947	25,162.53
1948	27,168.14
1949	15,948.92
	(10,147.48)

( ) denotes deficit.
[1] Adjusted to state Northwestern's consolidated income on a calendar year basis.

16. The holders of Northwestern's preferred stock are entitled to receive dividends at the rate of 7 percent per annum, payable quarterly as the Board of Directors may determine. Dividends on such preferred stock are cumulative from August 1, 1933. Upon liquidation or dissolution, holders of the preferred stock are entitled to receive an amount equivalent to the par value of such stock plus accumulated and unpaid dividends, after satisfaction of the claims of creditors and bondholders. Upon default of four or more quarterly dividends, whether consecutive or not, the holders of the preferred stock, voting as a class with cumulative voting rights, are entitled to elect two-thirds of the Board of Directors. No dividends ever having been paid, the preferred stock has been entitled to elect two-thirds of the Board of Directors since 1934.

17. The holders of Northwestern's Class A and Class B Common Stocks are entitled to share equally in any dividends paid after the payment of all accrued and current bond interest and preferred dividends. Upon liquidation or dissolution, the holders of the Class A and Class B Common Stocks are entitled to share equally in the distribution of any assets remaining after satisfaction of the claims of the bondholders, creditors and preferred stockholders. The holders of the Class A Common Stock have no voting or preemptive rights. The holders of the Class B Common Stock have exclusive voting power, subject to the right of the holders of the preferred stock to elect two-thirds of the Board of Directors upon default of dividends as above described, and they have cumulative voting rights but no preemptive rights.

18. At December 31, 1951, the claims in liquidation of Northwestern's bondholders for principal and interest amounting to $1,220,531 and the claim of the holder of Kane Gas' mortgage note payable in the principal amount of $93,700 totaled $1,314,231. Such claims exceeded the consolidated assets, less valuation reserves, amounting to $1,299,898 at that date. All of the voting power in Northwestern's outstanding securities is vested in its preferred and Class B Common Stock which, on either an assets or earnings basis, appear to have no equity in the enterprise.

19. At organization in 1942, Kinzua acquired all or substantially all of Dewing's holdings of the securities of Northwestern which he had acquired shortly theretofore from a certain E. Kent Kane, then the president of Northwestern. Subsequent to June 1942, Dewing and/or Kinzua acquired from various persons an additional $72,500 principal amount of Northwestern's bonds. No approval for these acquisitions by either Kinzua or Dewing was ever sought from, or granted by, the Commission.

20. Northwestern's income bonds were issued in the aggregate principal amount of $844,500, of which $207,000 have been retired and cancelled and $4,000 are held in the company's treasury. No approval was ever requested of, or granted by, the Commission for the acquisition by Northwestern of its outstanding bonds.

21. Kane Gas is the survivor of the merger into itself of two other subsidiaries of Northwestern; namely, The Citizens Gas Company of Kane, Pa., Kane, Pennsylvania and Mt. Jewett Gas Company, Mt. Jewett, Pennsylvania. This merger was consummated in July 1952, at which time Kane Gas issued 1,200 additional shares of its common stock to Northwestern. No approval of this merger, or of the issuance or acquisition of said common stock, was requested of, or granted by, the Commission.

Part II. The Division avers that the foregoing allegations indicate or tend to indicate that:

1. The continued existence of Kinzua, Intercoast and/or Northwestern in the Kinzua-Intercoast holding-company system unduly or unnecessarily complicates the corporate structure of said system;

2. Voting power is unfairly or inequitably distributed among the security

holders of the Kinzua-Intercoast holding company system;

3. The acquisitions of shares of the common stock of Kinzua by Dewing and the aforesaid members of his family were made in violation of section 9 (a) (2) of the act and any contract entered into by such persons in respect thereto may be void under the provisions of section 26 (b) of the act;

4. The acquisitions of the income bonds and of the shares of the preferred and Class A and Class B common stocks of Northwestern by Dewing and by Kinzua were made in violation of section 9 (a) (2) and/or section 4 (a) of the act and any contract entered into by Dewing and Kinzua in respect thereto may be void under the provisions of section 26 (b) of the act;

5. The acquisitions by Northwestern of its outstanding income bonds were made in violation of section 4 (a) of the act and any contract entered into by Northwestern in respect thereto may be void under the provisions of section 26 (b) of the act;

6. The acquisition by Kane Gas of the properties and assets of The Citizens Gas Company of Kane, Pa. and Mt. Jewett Gas Company and the acquisition by Northwestern of additional shares of the common stock of Kane Gas were made in violation of section 4 (a) of the act and any contracts entered into by said companies in respect thereto may be void under the provisions of section 26 (b) of the act; and that

7. Dewing and Young, directly or indirectly through or by means of Kinzua, Intercoast and/or Northwestern, have caused acts or things to be done which would have been unlawful for either Dewing or Young to do under the provisions of the act and the rules and regulations promulgated thereunder and that, therefore, such acts or things have been done in violation of section 27 (a) of the act; and that

8. The acquisition by Dewing of more than 5 percent of the outstanding capital stock of Albion Gas Light Company and/or Illinois Gas Company may have been made in violation of section 9 (a) (2) of the act and any contract entered into by Dewing with respect thereto may be void under the provisions of section 26 (b) of the act.

Part III. It appearing to the Commission, on the basis of the alleged facts set forth in Part I and the allegations contained in Part II hereof, that it is appropriate in the public interest and the interest of investors and consumers that proceedings be instituted under sections 4 (a), 2 (a) (7) 9 (a) (2) 11 (b) (2) 12 (f) and 20 (a) of the act with respect to Kinzua, Intercoast, Northwestern and its subsidiaries, Dewing, Frances R. Dewing, Mary S. Morain, Ruth R. Ewing, Abigail S. Avery and Young:

It is hereby ordered, That proceedings be, and the same hereby are, instituted under sections 4 (a) 2 (a) (7) 9 (a) (2) 11 (b) (2) 12 (f) and 20 (a) of the act with respect to Kinzua, Intercoast, Northwestern and its subsidiaries, Dewing, Frances R. Dewing, Mary S. Morain, Ruth E. Ewing, Abigail S. Avery and Young, all of which persons are made respondents herein.

It is further ordered, That a hearing be held on the 23d day of June 1953, at 10:00 a. m., e. d. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., in such room as may be designated on such date by the Hearing Room Clerk in Room 193. All persons desiring to be heard or wishing to participate otherwise in these proceedings shall notify the Commission in the manner provided by Rule XVII of the Commission's rules of practice not later than June 22, 1953.

It is further ordered, That the said Respondents file with the Secretary of the Commission on or before the 15th day of June 1953 their joint or several answers, in the form prescribed by Rule U-25 of the general rules and regulations promulgated under the act, admitting, denying or otherwise explaining their position with respect to each of the alleged facts set forth in Part I hereof and each of the allegations set forth in Part II hereof. Such answers may also include a statement by Respondents of their views as to what action, if any, should be taken to effectuate compliance with the provisions of sections 4 (a) 9 (a) (2) 11 (b) (2) 12 (f) and 20 (a) of the act, and as to what other action may be necessary or appropriate under any other provisions of the act with respect to said Respondents. In lieu of a statement of views as aforesaid, Respondents may, if they so desire, file appropriate applications or declarations or a plan pursuant to section 11 (e) of the act for the purpose of enabling them to comply with the provisions of the act.

It is further ordered, That Edward C. Johnson, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division having advised the Commission that, upon the basis of its preliminary examination of the Kinzua-Intercoast holding-company system, the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the alleged facts set forth in Part I hereof are true and correct.

2. Whether the corporate structure or continued existence of Northwestern unduly or unnecessarily complicates the structure or unfairly or inequitably distributes voting power among security holders of Northwestern's holding company system and, if so, whether, and in what manner, the corporate structure of Northwestern should be revised, or its existence terminated.

3. What action, if any, should be required to be taken by Kinzua, Intercoast and/or Penn Counties to meet the requirements of section 11 (b) (2) of the act.

4. What action, if any should be taken with respect to the failure of Kinzua to register as a holding company under the Act upon acquiring 10 percent or more of the outstanding voting securities of Northwestern in or about June 1942, or to qualify for such exemption as might otherwise have been available.

5. What action, if any, should be taken with respect to the failure of Intercoast, Penn Counties and of Northwestern to register as holding companies under the act on or about December 1, 1935, or to qualify for such exemption as might otherwise have been available.

6. What action, if any, should be taken with respect to the transactions by Kinzua and Dewing in the income bonds of Northwestern subsequent to the acquisition by them, directly or indirectly, of 10 percent or more of the outstanding voting securities of Northwestern.

7. What action, if any, should be taken with respect to the acquisition by Dewing and members of his family of the common stock of Kinzua.

8. What action, if any, should be taken with respect to the acquisition by Northwestern of its outstanding income bonds subsequent to December 1, 1935.

9. What action, if any, should be taken with respect to the acquisition by Northwestern of common stock of Kane Gas in or about July 1952.

10. What action, if any, should be taken with respect to the acquisition by Kane Gas of the properties and assets of The Citizens Gas Company of Kane, Pa., and Mt. Jewett Gas Company.

11. What action, if any, should be taken with respect to the acquisitions and ownership by Dewing of his interests in Albion Gas Light Company and Illinois Gas Company.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That jurisdiction be, and the same hereby is, reserved to separate, either for hearing in whole or in part, or for disposition in whole or in part, of any of the issues or questions which may arise in these proceedings, and to take such other action as may appear necessary to the orderly and economical disposition of the issues herein.

It is further ordered, That the Secretary of the Commission shall serve notice of the entry of this order and of the hearing aforesaid by sending a copy of this notice and order by registered mail to Northwestern and its subsidiaries and to Kinzua, Intercoast, Arthur S. Dewing, Frances R. Dewing, Mary S. Morain, Ruth R. Ewing, Abigail S. Avery and Fred W Young, Respondents, and to the Oil City Trust Company, Oil City, Pennsylvania, Kane Bank and Trust Company, Kane, Pennsylvania, the Pennsylvania Public Utility Commission, and to the Burgesses of the Boroughs of Kane and Mt. Jewett, Pennsylvania; and that notice of the entry of this order and of said hearing be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER.

It is further ordered, That Northwestern shall give notice of said hearing by mailing a copy of this notice and order not later than June 8, 1953, to each of its security holders at his last known address, and shall within three days thereafter certify to the Commission that such notice and order has been so mailed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-4653; Filed, May 27, 1953; 8:47 a. m.]

[File No. 70-3047]

UTAH POWER AND LIGHT CO.

ORDER REGARDING BANK BORROWINGS

MAY 21, 1953.

Utah Power and Light Company ("Utah") a registered holding company and an operating company, having filed a declaration, as amended, pursuant to the Public Utility Holding Company Act of 1935 ("act") particularly sections 6 (a) and 7 thereof, regarding certain proposed transactions which are summarized as follows:

Utah proposes to enter into a credit agreement with certain banks pursuant to which Utah may borrow from time to time on or before May 28, 1954, not to exceed in the aggregate $10,000,000 as money is required for its system construction program. Such loans will be evidenced by promissory notes maturing on June 1, 1954, and bearing interest at the rate of 3 percent per annum. The credit agreement provides, among other things, for a commitment fee of ¼ percent per annum on the daily average unused amount of the total credit.

The declaration states that the proceeds from the loans will be used in connection with the construction program of Utah and its subsidiary, The Western Colorado Power Company, which, it is estimated, will require the expenditure of approximately $28,000,000 to the end of 1954. The declaration further states that it is the present intention of Utah to repay the loans from the proceeds of permanent financing during the first half of the year 1954, which permanent financing will maintain the present capital structure of Utah at approximately the existing debt-equity ratio.

Notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for a hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and the Commission finding that the requirements of the applicable provisions of the act are satisfied and observing no basis for adverse findings, and deeming it appropriate to permit said declaration, as amended, to become effective forthwith:

It is ordered, pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions contained in Rule U-24, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-4649; Filed, May 27, 1953; 8:47 a. m.]

[File No. 70-3054]

NIAGARA MOHAWK POWER CORP.

ORDER GRANTING APPLICATION TO ACQUIRE COMMON STOCK OF TWO PUBLIC UTILITY COMPANIES

MAY 21, 1953.

Niagara Mohawk Power Corporation ("Niagara Mohawk"), a public utility company, having filed an application pursuant to sections 9 and 10 of the Public Utility Holding Company Act of 1935 ("act"), with regard to the transactions therein set forth which are summarized as follows:

Niagara Mohawk proposes to acquire from Bartholomew A. Brickley, Trustee of International Hydro-Electric System ("IHES"), a registered holding company under the act, all of the interests of IHES in the latter's public utility subsidiaries Corinth Electric Light and Power Company ("Corinth") and Moreau Manufacturing Corporation ("Moreau") IHES owns all the outstanding securities of Corinth and a one-third interest in the common stock and open account indebtedness of Moreau. As consideration for such interests Niagara Mohawk proposes to pay $500,000.

Niagara Mohawk presently supplies to Corinth, whose service area is contained within the service area of Niagara Mohawk, all of Corinth's power requirements. Niagara Mohawk represents that it will undertake, as promptly as practicable, to dissolve Corinth and absorb its properties into the Niagara Mohawk system.

The entire output of Moreau's hydroelectric plant is presently sold to Niagara Mohawk which already owns one-third of Moreau's common stock and open account indebtedness.

The sale of the above interests by IHES has been approved by this Commission (Holding Company Act Release Nos. 11299 and 11840) and the acquisition thereof by Niagara Mohawk has been approved by the Public Service Commission of the State of New York.

Due notice having been given of the filing of the application, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted, effective forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application be, and it hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-4650; Filed, May 27, 1953; 8:47 a. m.]

[File No. 70-3072]

CENTRAL PUBLIC UTILITY CORP.

NOTICE OF FILING APPLICATION PROPOSING ACQUISITION OF CAPITAL STOCK OF NON-AFFILIATED OIL DISTRIBUTING COMPANY

MAY 22, 1953.

Notice is hereby given that an application has been filed with this Commission by Central Public Utility Corporation ("Central Public"), a registered holding company. The filing designates sections 9 and 10 of the Public Utility Holding Company Act of 1935 (the "act") and Rules U-20 to U-24 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Central Public owns securities of fourteen direct or indirect subsidiary companies; one of which operates as a gas utility company within the United States. Central Public proposes to distribute the securities of this company under the terms of a section 11 (e) plan which is on file with this Commission.

Central Public is presently proposing to purchase 330 shares, the entire issue, of common stock of Southern Cities Oil Company ("Southern Cities Oil") which holds a Standard Oil Company distributorship engaged in the sale of kerosene for tobacco curing, gasoline for farm use as tractor fuel and fuel oil for house heating in Kingstree, South Carolina. The total purchase price for the common stock of Southern Cities Oil, which is the only capital stock of the company, is to be $33,000 in cash. As at April 27, 1953, the underlying net book worth of this stock was $33,000.

Subsequent to the acquisition Central Public proposes to coordinate the operations of this Company with those of another subsidiary, the Southern Cities Ice Company operating an ice and coal business in Kingstree, South Carolina, thereby affecting economies in operations which should improve the earnings of these companies. The pro forma earnings of Southern Cities Oil based on 1952 operations indicate net income of $4,948 which is approximately $15 per share on the 330 shares outstanding.

It is represented that the above described transaction is not subject to the jurisdiction of any Federal or State commission other than this Commission.

The filing states that the expenses of Central Public in this matter are estimated at $150.

Notice is further given that any interested person may, not later than June 8, 1953, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be

held on such matter stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said filing which he desires to controvert or he may request notice thereof if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after 5:30 p. m., June 8, 1953, and after said application, as thus or otherwise amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt the transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-4651; Filed, May 27, 1953; 8:47 a. m.]

[File No. 70-3074]

WEST PENN ELECTRIC CO. AND WEST PENN POWER CO.

NOTICE OF FILING REGARDING SALE OF COMMON STOCK THROUGH A RIGHTS OFFERING

MAY 22, 1953.

Notice is hereby given that a joint application-declaration has been filed with this Commission by The West Penn Electric Company ("West Penn Electric") a registered holding company, and its public utility subsidiary West Penn Power Company ("Power"). The filing has designated sections 6, 7, 9, 10, and 12 (d) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-43 and U-44 promulgated thereunder, as applicable to the proposed transactions, which are summarized as follows:

Power proposes to offer additional shares of its Common Stock, without par value, for subscription by holders of its outstanding Common Stock. The number of shares thereof will be sufficient to produce approximately $7,000,000 of gross proceeds at a price per share to be fixed prior to the offering date by the Board of Directors of Power in relation to the then reported "over-the-counter" market price. West Penn Electric proposes to purchase all shares thereof not subscribed for by public holders of Power's outstanding Common Stock. West Penn Electric presently owns 3,154,419 shares or approximately 94.8 percent of the Common Stock of Power.

Under the terms of the Trust Indenture, dated as of September 1, 1949, under which are issued its 3½ percent Sinking Fund Collateral Trust Bonds, West Penn Electric has covenanted to maintain the Common Stock of Power pledged with the Trustee at 94.6 percent of all the issued and outstanding Common Stock of Power, and, pursuant to such covenant West Penn Electric proposes to pledge approximately 94.6 percent of the additional shares to be issued by Power with Chemical Bank & Trust Company, Trustee under the said Trust Indenture.

The net proceeds from the sale of the additional Common Stock proposed herein will be used for the construction of property additions and improvements by Power.

Peoples First National Bank & Trust Company of Pittsburgh will act as Subscription Agent in connection with the proposed offering of additional Common Stock.

West Penn Electric and Power have requested that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than June 5, 1953, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-4648; Filed, May 27, 1953; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. MC-C-1514]

BRASS, BRONZE, AND COPPER ARTICLES; CENTRAL TERRITORY

NOTICE OF INVESTIGATION AND HEARING

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 27th day of April A. D. 1953.

The Commission having under consideration a petition, dated October 29, 1952, of the Central States Motor Freight Bureau, Inc., a reply dated January 22, 1953, of the Copper & Brass Research Association, and the rates applicable to the transportation in interstate or foreign commerce, of brass, bronze, and copper articles by common carriers by motor vehicles between points in central territory and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby, instituted by the Commission, upon its own motion, into and concerning the reasonableness and lawfulness otherwise of the motor common-carrier rates and classification exceptions, ratings on brass, bronze, and copper articles including, but not limited to anodes, armored lead-covered electric copper cable, ashes, bars, bar with steel core, billets, blanks, blisters, borings, bottoms, bullion, cable, cakes, castings, cathodes, copper-clad iron or steel ground rods, copper-clad iron or steel wire, copper-clad iron or steel wire strand, copper-clad wire, copper-clad wire strand, copper powder, copper-weld iron or steel wire, copper-weld iron or steel wire strand, copper-weld wire, copper-weld wire strand, covered wire, discs (unfinished shapes) dross, electric cable, electrolytically deposited copper sheet, ferrules, forging, grindings, ingots, insulated wire, iron or steel covered electric copper cable, lead-covered cable, matte, pigs, pipe, plain wire, plate, projectile bands, rail bonds, residues, residuum, rods, rod with steel core, ropo wire, rubber coated electric copper cable, scale, scrap, shapes, sheets, shot, skimmings, slabs, slimes, steel-armored electric copper cable, strips, sweepings, tinned blanks, tubes, tubing, turnings, washings, waste, wire, wire rope, and wire strand, between points in central territory, which territory is hereby defined to include all points in Illinois, Indiana, Michigan, Ohio and Wisconsin, and certain points in Iowa, Kentucky, Missouri, West Virginia, Pennsylvania, and New York as follows: In Iowa and Missouri, only points on the west bank of the Mississippi River; in Kentucky, points on the Ohio River and points in a sector of that State formed by a line drawn from Newport to Lexington to Jenkins, thence following the Kentucky-Virginia and Kentucky-West Virginia lines and the Big Sandy and Ohio Rivers to the starting point of Newport; in West Virginia, points on the Ohio River and points in a sector formed by a line drawn from Parkersburg to Enon to Kingston to Mallory to Barnabus to Kenova, and thence along the Ohio River to Parkersburg; in Pennsylvania, points on and north and west of an irregular line drawn from Bradford through Custer City, Kinzua, Warren, Tidioute, Tionesta, Venus, Mahoning, Latrobe, Wickhaven, Coal Center, and thence U. S. Highway 40 to the West Virginia line; and in New York, points on and west of a line drawn from a point on Lake Ontario directly north of Hartland, through such point thence to Lockport, Williamsville, Lancaster, Porterville, Wales Center, East Aurora, West Falls, Glenwood, Springville, West Valley, Ashford, Great Valley, Salamanca, Carrollton, and Limestone to the Pennsylvania line, with a view to making such findings and orders in the premises as the facts and circumstance shall appear to warrant.

It is further ordered, That all common carriers by motor vehicle which maintain rates for the transportation, in interstate or foreign commerce, of the said commodities within the said central territory be, and they are hereby, made respondents in this proceeding.

It is further ordered, That notice of this proceeding be given to the respondents; and that notice to the public be given by posting a copy of this order in the office of the Secretary of the Commission and by filing a copy with the Director, Division of Federal Register.

And it is further ordered, That this matter be assigned for hearing at a time and place to be hereafter fixed.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 53-4666; Filed, May 27, 1953; 8:50 a. m.]